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# BRITISH AND FOREIGN

## State Papers.

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*SPEECH of the Lords Commissioners, on the Opening of the British Parliament.—Westminster, February 6, 1862.*

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*My Lords and Gentlemen,*

WE are commanded by Her Majesty to assure you that Her Majesty is persuaded that you will deeply participate in the affliction by which Her Majesty has been overwhelmed by the calamitous, untimely, and irreparable loss of Her beloved Consort, who has been Her comfort and support.

It has been, however, soothing to Her Majesty, while suffering most acutely under this awful dispensation of Providence, to receive from all classes of Her subjects the most cordial assurances of their sympathy with Her sorrow, as well as of their appreciation of the noble character of him, the greatness of whose loss to Her Majesty and to the nation is so justly and so universally felt and lamented.

We are commanded by Her Majesty to assure you that she recurs with confidence to your assistance and advice.

Her Majesty's relations with all the *European* Powers continue to be friendly and satisfactory; and Her Majesty trusts there is no reason to apprehend any disturbance of the peace of *Europe*.

A question of great importance, and which might have led to very serious consequences, arose between Her Majesty and the Government of the United States of *North America*, owing to the seizure and forcible removal of 4 passengers from on board a *British* mail packet by the Commander of a ship of war of The *United States*; but that question has been satisfactorily settled by the restoration of the passengers to *British* protection, and by the disavowal by The *United States* Government of the act of violence committed by their naval officer.

The friendly relations between Her Majesty and the President of The *United States* have therefore remained unimpaired.

Her Majesty warmly appreciates the loyalty and patriotic spirit which have been manifested on this occasion by Her *North American* subjects.

The wrongs committed by various parties and by successive Governments in *Mexico* upon foreigners resident within the *Mexican* territory, and for which no satisfactory redress could be obtained, have led to the conclusion of a Convention between Her Majesty, the Emperor of the *French*, and the Queen of *Spain*, for

the purpose of regulating a combined operation on the coast of *Mexico*, with a view to obtain that redress which has hitherto been withheld.

That Convention, and papers relating to that subject, will be laid before you.

The improvement which has taken place in the relations between Her Majesty's Government and that of the Emperor of *China*, and the good faith with which the *Chinese* Government have continued to fulfil the engagements of the Treaty of *Tien-tsin*, have enabled Her Majesty to withdraw Her troops from the city of *Canton*, and to reduce the amount of Her force on the coast and in the seas of *China*.

Her Majesty, always anxious to exert Her influence for the preservation of peace, has concluded a Convention with the Sultan of *Morocco*, by means of which the Sultan has been enabled to raise the amount necessary for the fulfilment of certain Treaty engagements which he had contracted towards *Spain*, and thus to avoid the risk of a renewal of hostilities with that power. That Convention and papers connected with it, will be laid before you.

*Gentlemen of the House of Commons,*

Her Majesty commands us to inform you that she has directed the estimates for the ensuing year to be laid before you. They have been framed with a due regard to prudent economy and to the efficiency of the public service.

*My Lords and Gentlemen,*

Her Majesty commands us to inform you that measures for the improvement of the law will be laid before you, and among them will be a Bill for rendering the title to land more simple, and its transfer more easy.

Other measures of public usefulness relating to *Great Britain* and to *Ireland* will be submitted for your consideration.

Her Majesty regrets that in some parts of the United Kingdom, and in certain branches of industry, temporary causes have produced considerable pressure and privation; but Her Majesty has reason to believe that the general condition of the country is sound and satisfactory.

Her Majesty confidently recommends the general interests of the nation to your wisdom and your care; and she fervently prays that the blessing of Almighty God may attend your deliberations; and may guide them to the promotion of the welfare and happiness of Her people.

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*SPEECH of the Lords Commissioners, on the Closing of the British Parliament.—Westminster, August 7, 1862.*

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*My Lords and Gentlemen,*

WE are commanded by Her Majesty to release you from further attendance in Parliament, and at the same time to convey to you Her Majesty's acknowledgments for the zeal and assiduity with which you have applied yourselves to the performance of your duties during the session now brought to a close.

Her Majesty commands us to inform you that Her relations with Foreign Powers are friendly and satisfactory, and that Her Majesty trusts there is no danger of any disturbance of the peace of *Europe*.

The Civil War which has for some time been raging among the States of the *North American* Union has, unfortunately, continued in unabated intensity: and the evils with which it has been attended have not been confined to the *American* Continent; but Her Majesty, having from the outset determined to take no part in that contest, has seen no reason to depart from the neutrality to which she has steadily adhered.

Disturbances have taken place in some of the Frontier Provinces of the *Turkish* Empire, and Her Majesty has instructed Her Ambassador at *Constantinople* to attend a Conference to be held in that City by the Representatives of the Powers who were Parties to the Treaty of *Paris* of 1856. Her Majesty trusts that the questions to be dealt with in that Conference will be settled in a manner consistent with the Treaty engagements of the Allies, and in accordance with the just rights of the Sultan and the welfare of the Christian inhabitants of His dominions.

Her Majesty's forces in *Ohina*, together with those of the Emperor of the *French*, have lately been employed in co-operation with those of the Emperor of *China* in protecting some of the chief seats of *British* commerce in *China* from injury by the Civil War which is laying waste portions of that vast Empire.

Her Majesty commands us to inform you that She has concluded a Commercial Treaty with the King of the *Belgians*, by which the trade of Her Majesty's subjects in *Belgium* will be placed generally on the footing of the most favoured nation.

*Gentlemen of the House of Commons,*

Her Majesty commands us to convey to you Her warm acknowledgments for the liberal supplies which you have granted for the service of the present year; and Her Majesty thanks you for having also made provision towards placing Her Majesty's dockyards and arsenals in a permanent state of defence.

*My Lords and Gentlemen,*

Her Majesty commands us to express to you the admiration with which she has witnessed the undiminished zeal and the patriotic spirit which continue to animate Her volunteer forces, as well as the military efficiency which they have attained.

Her Majesty has observed with satisfaction the kindly intercourse which has subsisted between Her Majesty's subjects and the numerous foreigners who have been attracted this year to the United Kingdom, and Her Majesty trusts that the interchange of mutual courtesies will strengthen the foundations of international friendship and goodwill.

Her Majesty has given Her ready assent to an Act for carrying into effect the Treaty which Her Majesty has concluded with the President of *The United States* for the Suppression of the Slave Trade, and Her Majesty trusts that the co-operation of *The United States* Navy with Her own may go far to extinguish the desolating crime against which that Treaty is directed.

Her Majesty earnestly hopes that the steps which have been taken for rendering more effectual the aid provided by Parliament for the extension of education among the poorer classes of Her subjects will tend to promote an object of great national importance.

Her Majesty has given Her willing assent to many measures of public utility which you have submitted to Her during this session.

The severe distress which prevails in some of the manufacturing districts has inspired Her Majesty with deep concern and warm sympathy, mingled with admiration of the manly bearing and exemplary fortitude with which the pressure has been endured. Her Majesty trusts that the Act for enabling boards of guardians to provide additional means of relief will mitigate that distress.

The Act for rendering more easy the transfer of land will add to the value of real property, will make titles more simple and secure, and will diminish the expense attending purchases and sales.

The Act for the better regulation of parochial assessments will tend to a more equal distribution of local taxation; while the Act for the better administration of the highways will, Her Majesty trusts, improve the means of communication in many parts of the country.

The Act for establishing uniformity of weights and measures in *Ireland* will apply a remedy to inconveniences which have been much felt and complained of, as affecting the trading transactions in that part of the United Kingdom; and the Act for amending the law relating to the poor will extend to the poorer classes of Her Majesty's subjects in *Ireland* better means of obtaining relief and medical attendance.

The Act for the better regulation of merchant shipping Her Majesty trusts will prove advantageous to the maritime commerce of the country.

In returning to your several counties, you still have important duties to perform; and Her Majesty fervently prays that the blessing of Almighty God may assist your efforts, and may direct them to the attainment of the object of Her Majesty's constant solicitude, the welfare and happiness of Her people.

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**CONVENTION between Great Britain and Belgium, additional to the Convention of October 19, 1844,\* relative to Communication by Post.—Signed at London, July 5, 1862.**

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[Ratifications exchanged at London, July 11, 1862.]

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HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Belgians, being desirous to afford further facilities for communication by post between the British dominions and Belgium, have, for this purpose, resolved to conclude a Convention, additional to the Convention signed at London on the 19th of October, 1844, and have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable John Earl Russell, Viscount Amberley of Amberley and Ardsalla, a Peer of the United Kingdom, Knight of the Most Noble Order of the Garter, a Member of Her Britannic Majesty's Most Honourable Privy Council, Her Britannic Majesty's Principal Secretary of

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Belges, désirant faciliter de plus en plus les communications postales entre les Etats Britanniques et la Belgique, ont, à cet effet, résolu de conclure une Convention additionnelle à la Convention signée à Londres le 19 Octobre, 1844, et ont nommé pour leurs Plénipotentiaires, savoir:

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Jean Comte Russell, Vicomte Amberley de Amberley et Ardsalla, Pair du Royaume Uni, Chevalier du Très Noble Ordre de la Jarretière, Membre du Très Honorable Conseil Privé de Sa Majesté Britannique, Principal Secrétaire d'Etat de Sa Majesté Britannique pour les

State for Foreign Affairs; and the Right Honourable Edward John Lord Stanley of Alderley, a Peer of the United Kingdom, a Member of Her Britannic Majesty's Most Honourable Privy Council, Her Britannic Majesty's Postmaster-General;

And His Majesty the King of the Belgians, the Sieur Sylvain Van de Weyer, His Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty, Grand Cross of the Order of Leopold, decorated with the Iron Cross, Grand Cross of the Order of Charles III of Spain, of the Order of the Ernestine Branch of Saxony, of the Tower and Sword, of St. Maurice and St. Lazarus, Commander of the Legion of Honour, &c.;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:

ART. I. The Belgian Government shall perform a second daily service by means of steam-vessels, running in the day-time between the ports of Ostend and Dover, for the purpose of doubling, in both directions, the number of communications which now take place between the respective Post Offices, for the exchange of international and transit correspondence. Such new service shall be performed at the expense of the Belgian Government. The packets employed shall be vessels belonging to the Belgian Government, or freighted by its order.

Affaires Etrangères; et le Très Honorable Edouard Jean Lord Stanley of Alderley, Pair du Royaume Uni, Membre du Très Honorable Conseil Privé de Sa Majesté Britannique, Maître Général des Postes de Sa Majesté Britannique;

Et Sa Majesté le Roi des Belges, le Sieur Sylvain Van de Weyer, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique, Grand Croix de l'Ordre de Léopold, décoré de la Croix de Fer, Grand Croix de l'Ordre de Charles III d'Espagne, de l'Ordre de la Branche Ernestine de Saxe, de la Tour et de l'Epée, de St. Maurice et St. Lazare, Commandeur de la Légion d'Honneur, &c.;

Lesquels, après s'être communiqué réciproquement leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants:

ART. I. Le Gouvernement Belge effectuera un second service journalier de bateaux-à-vapeur, entre Ostende et Douvres, de jour, dans le but d'élever au double, tant à l'aller qu'au retour, le nombre des communications qui ont lieu actuellement entre les postes respectives pour l'échange des correspondances internationales et en transit. Ce nouveau service sera effectué aux frais du Gouvernement Belge. Les paquebots employés seront des bâtiments appartenant au Gouvernement Belge, ou frétés par son compte.



The British Government, on its part, shall convey between London and Dover, at its own expense, the day mails conveyed by the packets mentioned in the preceeding paragraph, from and to Belgium, and from and to the States of the Continent sent in transit through Belgium.

The two Post Offices shall settle by mutual consent the hours at which the additional packets shall leave Dover for Ostend, and shall arrive at Dover from Ostend.

II. The present Convention shall be considered as additional to the Convention signed at London on the 19th of October, 1844, and shall have the same duration as is specified in Article XLII of that Convention. It shall be ratified, and the ratifications shall be exchanged at London as soon as possible. It shall come into operation on a day to be hereafter fixed by the two Post Offices.

In witness whereof, the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the seal of their arms.

Done at London, the 5th day of July, in the year of our Lord 1862.

(L.S.) RUSSELL.

(L.S.) STANLEY OF  
ALDERLEY.

(L.S.) SYLVAIN VAN DE  
WEYER.

Le Gouvernement Britannique, de son côté, transportera entre Londres et Douvres, à ses frais, les malles de jour transportées par les paquebots mentionnés dans le paragraphe précédent, originaires ou à destination de la Belgique, et des Etats du Continent en transit par la Belgique.

Les Offices de Poste des deux Gouvernements fixeront, d'un mutuel accord, les heures auxquelles les paquebots additionels quitteront Douvres pour Ostende, et arriveront à Douvres venant d'Ostende.

II. La présente Convention sera considérée comme additionnelle à la Convention signée à Londres le 19 Octobre, 1844, et aura la durée indiquée à l'Article XLII de Cette Convention. Elle sera ratifiée, et les ratifications en seront échangées à Londres le plus tôt possible. Elle sera mise à exécution à partir du jour qui sera ultérieurement fixé par les Offices de Poste des deux Gouvernements.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention, et y ont apposé le sceau de leurs armes.

Fait à Londres, le 5ème jour du mois de Juillet, de l'an de grâce 1862.

(L.S.) RUSSELL.

(L.S.) STANLEY OF  
ALDERLEY.

(L.S.) SYLVAIN VAN DE  
WEYER.



***TREATY of Commerce and Navigation between Great Britain and Belgium.—Signed at London, July 23, 1862.***

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[Ratifications exchanged at London, August 30, 1862.]

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Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Belgians, being equally animated by the desire to facilitate and extend the relations of commerce and navigation between their respective dominions; and being desirous, with a view to so beneficial an object, to remove the obstacles which impede the commercial relations between the two countries, have resolved to conclude a Treaty for that purpose, and have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable John, Earl Russell, Viscount Amberley of Amberley and Ardsalla, a Peer of the United Kingdom, Knight of the Most Noble Order of the Garter, a Member of Her Britannic Majesty's Most Honourable Privy Council, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs; and the Right Honourable Thomas Milner Gibson, a Member of Her Britannic Majesty's Most Honourable Privy Council, a Member of Parliament, and President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations;

And His Majesty the King of the Belgians, the Sieur Sylvain Van de Weyer, His Envoy Ex-

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Belges, animés d'un égal désir de faciliter et d'étendre les rapports de commerce et de navigation entre leurs Etats respectifs; et voulant, pour arriver à un but si utile, faire disparaître les obstacles qui entravent les relations commerciales entre les deux pays, ont résolu de conclure un Traité à cet effet, et ont nommé pour leurs Plénipotentiaires, savoir:

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Jean Comte Russell, Vicomte Amberley de Amberley et Ardsalla, Pair du Royaume Uni, Chevalier du Très Noble Ordre de la Jarretière, Membre du Très Honorable Conseil Privé de Sa Majesté Britannique, Principal Secrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères; et le Très Honorable Thomas Milner Gibson, Membre du Très Honorable Conseil Privé de Sa Majesté Britannique, Membre du Parlement, et Président du Comité du Conseil Privé pour les Affaires de Commerce et des Colonies;

Et Sa Majesté le Roi des Belges, le Sieur Sylvain Van de Weyer, son Envoyé Extraordi-

traordinary and Minister Plenipotentiary to Her Britannic Majesty, Grand Cross of Leopold, decorated with the Iron Cross, Grand Cross of the Order of Charles III of Spain, of the Order of the Ernestine Branch of Saxony, of the Tower and Sword, of St. Maurice and St. Lazarus, Commander of the Legion of Honour, &c. ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles :

ART. I. There shall be reciprocal liberty of commerce between all the dominions and possessions of the two High Contracting Parties ; and the subjects of each of them shall, throughout the whole extent of the territories and possessions of the other, enjoy the same rights, privileges, liberties, favours, immunities, and exemptions, in matters of commerce and navigation, which are or may be enjoyed by native subjects.

II. The subjects of one of the two High Contracting Parties residing in the dominions of the other, shall have the same liberty as native subjects to manage their own affairs themselves, or to commit them to the management of any other persons, as brokers, factors, agents, or interpreters. They shall not be restrained in their choice, and shall not be obliged to pay any salary or remuneration to any person whom they shall not choose to employ in those capacities ; buyers and

naire et Ministre Plénipotentiaire près Sa Majesté Britannique, Grand-Croix de l'Ordre de Léopold, décoré de la Croix de Fer, Grand-Croix de l'Ordre de Charles III d'Espagne, de l'Ordre de la Branche Ernestine de Saxe, de la Tour et de l'Epée, de St. Maurice et St. Lazare, Commandeur de la Légion d'Honneur, &c. ;

Lesquels, après s'être réciproquement communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Il y aura liberté réciproque de commerce entre tous les Etats et possessions des deux Hautes Parties Contractantes ; et les sujets de chacune d'elles, dans toute l'étendue des territoires et possessions de l'autre, jouiront des mêmes droits, privilèges, libertés, favours, immunités, et exemptions, en matière de commerce et de navigation, dont jouissent ou jouiront les nationaux.

II. Les sujets de l'une des Hautes Parties Contractantes résidant dans les Etats de l'autre, seront respectivement libres de régler, comme les nationaux, leurs affaires par eux-mêmes, ou de les confier aux soins de toutes autres personnes, telles que courtiers, facteurs, agents, ou interprètes. Ils ne pourront être contraints dans leur choix, et ils ne seront tenus à payer aucun salaire ni aucune rétribution à ceux qu'ils n'auront pas jugé à propos d'employer à cet effet ; étant absolu-

sellers being at perfect liberty to bargain together, and to fix the price of any goods or merchandize imported or destined for exportation, on condition of observing the regulations and the Customs laws of the country.

III. In all that relates to navigation and commerce, the High Contracting Parties shall not grant any privilege, favour, or immunity to any other country, which shall not be also and immediately extended to their respective subjects.

IV. All vessels which, according to the laws of Great Britain are to be deemed British vessels, and all vessels which, according to the laws of Belgium, are to be deemed Belgian vessels, are declared to be British and Belgian vessels respectively.

V. No duties of tonnage, harbour, light-house, pilotage, quarantine, or other similar or corresponding duties, of whatever nature or under whatever denomination, levied for the profit or in the name of the Government, public functionaries, communes, corporations, or establishments of whatever kind, shall be imposed in the ports of either country, upon the vessels of the other country, from whatever port or place arriving, which shall not be equally imposed in the like cases on national vessels.

VI. In all that regards the stationing, the loading, and unloading of vessels in the ports,

ment facultatif aux vendeurs et acheteurs de contracter ensemble leur marché, et de fixer le prix de toutes denrées ou marchandises importées ou destinées à l'exportation, sous la condition de se conformer aux règlements et aux lois des Douanes du pays.

III. En tout ce qui concerne la navigation et le commerce, les Hautes Parties Contractantes ne pourront accorder aucun privilège, faveur, ou immunité à un autre Etat, qui ne soit aussi et à l'instant étendu à leurs sujets respectifs.

IV. Tous les navires qui, d'après les lois de la Grande Bretagne, sont considérés comme navires Britanniques, et tous les navires qui, d'après les lois de la Belgique sont considérés comme navires Belges, sont déclarés respectivement navires Britanniques et navires Belges.

V. Aucun droit de tonnage, de port, de phare, de pilotage, de quarantaine, ou autres droits semblables ou équivalents, de quelque nature ou sous quelque dénomination que ce soit, perçu au profit ou au nom du Gouvernement, des fonctionnaires publics, des communes, corporations, ou établissements quelconques, ne sera imposé dans les ports de chacun des deux pays sur les navires de l'autre nation, arrivant d'un port ou endroit quelconque, qui ne soit pas également imposé en pareil cas sur des navires nationaux.

VI. En tout ce qui concerne le placement des navires, leur chargement et leur décharge-

basins, docks, roadsteads, harbours, or rivers of the two countries, no privilege shall be granted to national vessels, which shall not be equally granted to vessels of the other country; the intention of the High Contracting Parties being, that in this respect also the respective vessels shall be treated on the footing of perfect equality.

VII. British vessels entering a port of Belgium, and, reciprocally, Belgian vessels entering a port of Great Britain, or of the British possessions, and desiring to discharge only a part of their cargo, may, subject to compliance with the laws and regulations of the respective countries, retain on board that part of the cargo which is destined for another port, whether in the same country or in any other country, and may re-export the same, without being compelled to pay, upon such retained part of their cargo, any duty of Customs save those for watching, which, of course, shall be levied only at the rate fixed for national vessels.

VIII. Goods of every kind which are or may be legally importable into the ports of the United Kingdom of Great Britain and Ireland, its colonies and possessions, in British vessels, may likewise be imported into such ports in Belgian vessels, without being liable to other or higher duties, of whatever denomination, than if such goods were imported in national ves-

ment dans les ports, bassins, docks, rades, hâvres, ou rivières, des deux Etats, il ne sera accordé aucun privilège aux navires nationaux, qui ne le soit également à ceux de l'autre Etat; la volonté des Hautes Parties Contractantes étant que, sous ce rapport aussi, les bâtimens respectifs soient traités sur le pied d'une parfaite égalité.

VII. Les navires Britanniques entrant dans un port de Belgique, et réciproquement les navires Belges entrant dans un port de la Grande Bretagne ou de ses possessions, et qui n'y voudraient décharger qu'une partie de leur cargaison, pourront, en se conformant toutefois aux lois et réglemens des Etats respectifs, conserver à leur bord la partie de la cargaison qui serait destinée à un autre port, soit du même pays, soit d'un autre, et la ré-exporter, sans être astreints à payer pour cette dernière partie de leur cargaison aucun droit de douane, sauf ceux de surveillance, lesquels, d'ailleurs, ne pourront naturellement être perçus qu'au taux fixé pour la navigation nationale.

VIII. Les marchandises de toute espèce dont l'importation dans les ports du Royaume Uni de la Grande Bretagne et d'Irlande, ses colonies et possessions, est ou sera légalement permise sur des bâtimens Britanniques, pourront également y être importées sur des bâtimens Belges, sans être assujetties à d'autres ou de plus forts droits, de quelque dénomination que ce soit, que si

sels.

Reciprocally, goods of every kind which are or may be legally importable into the ports of Belgium in Belgian vessels, may likewise be imported into such ports in British vessels, without being liable to other or higher duties, of whatever denomination, than if such goods were imported in national vessels.

IX. Goods of every kind which may be exported either from Belgium by British vessels, or from Great Britain and the British possessions by Belgian vessels, for whatever destination, shall not be liable to any other duties or formalities on departure than if they were exported in national vessels; and they shall enjoy, under either flag, all bounties and drawbacks, or other favours, which are or may be granted in each of the two countries to national vessels.

X. During the period allowed by the laws of the two countries for the warehousing of goods, no other duties than those for custody and storage shall be levied upon articles imported from one of the two countries into the other, until they shall be removed for transit, re-exportation, or internal consumption.

In no case shall such articles pay higher duties, or be liable to other formalities, than if they

les mêmes marchandises étaient importées sur des bâtiments nationaux.

Réciproquement, les marchandises de toute espèce dont l'importation dans les ports de Belgique est ou sera légalement permise sur des bâtiments Belges, pourront également y être importés sur des bâtiments Britanniques, sans être assujetties à d'autres ou de plus forts droits, de quelque dénomination que ce soit, que si les mêmes marchandises étaient importées sur des bâtiments nationaux.

IX. Les marchandises de toute nature qui seront exportées de Belgique par navires Britanniques, ou de la Grande Bretagne et de ses possessions par navires Belges, pour quelque destination que ce soit, ne seront pas assujetties à d'autres droits ni formalités de sortie que si elles étaient exportées par navires nationaux; et elles jouiront, sous l'un et l'autre pavillon, de toutes primes ou restitutions de droits, ou autres faveurs, qui sont ou seront accordées, dans chacun des deux pays, à la navigation nationale.

X. Pendant le temps fixé par les lois des deux pays respectivement pour l'entreposage des marchandises, il ne sera perçu aucuns droits autres que ceux de garde et d'emmagasiner sur les objets importés de l'un des deux pays dans l'autre, en attendant leur transit, leur réexportation, ou leur mise en consommation.

Ces objets, en aucun cas, ne paieront de plus forts droits, et ne seront assujettis à d'autres

had been imported under the national flag, or from the most favoured country.

**XI.** Goods of every kind coming from or going to either of the two countries shall reciprocally be exempted from all transit duty.

The prohibition in regard to gunpowder is, however, maintained; and the two High Contracting Parties reserve to themselves to subject the transit of arms of war to special authorizations.

The treatment of the most favoured nation is reciprocally guaranteed to each of the two countries in all that concerns transit and warehousing.

**XII.** With regard to the coasting trade, it is agreed between the High Contracting Parties that the subjects and vessels of each of them shall, in the dominions and possessions of the other, enjoy the same privileges, and be treated in all respects on the same footing, as national subjects and vessels.

With regard to the coasting trade in the colonies, the stipulations of the present Article shall be applicable only to the coasting trade of such of the colonies of Her Britannic Majesty as have applied or shall hereafter apply, in conformity with the Acts of Parliament which govern this matter, that their coasting trade may be open to foreign vessels.

**XIII.** The regulations esta-

formalités, que s'ils avaient été importés sous pavillon national, ou provenaient du pays le plus favorisé.

**XI.** Les marchandises de toute nature venant de l'un des deux Etats, ou y allant, seront réciproquement exemptes, dans l'autre Etat, de tout droit de transit.

Toutefois, la prohibition est maintenue pour la poudre à tirer; et les deux Hautes Parties Contractantes se réservent de soumettre à des autorisations spéciales le transit des armes de guerre.

Le traitement de la nation la plus favorisée est réciproquement garanti à chacun des deux pays pour tout ce qui concerne le transit et l'entreposage.

**XII.** En ce qui concerne le cabotage, il est convenu entre les Hautes Parties Contractantes que les sujets et les navires de chacune d'elles jouiront, dans les Etats et possessions de l'autre, des mêmes privilèges, et seront traités à tous égards sur le même pied, que les sujets et les navires nationaux.

En ce qui concerne le cabotage dans les colonies, les stipulations du présent Article ne seront applicables qu'au cabotage de celles d'entre les colonies de Sa Majesté Britannique qui ont demandé ou qui demanderont ultérieurement, conformément aux Actes du Parlement qui régissent cette matière, que leur cabotage soit ouvert aux navires étrangers.

**XIII.** Les règles consacrées



published for goods imported from France into Belgium by Articles XVIII to XXVI inclusive, of the Treaty of Commerce, concluded between the two countries on the 1st of May, 1861,\* shall equally apply in Belgium to the same goods imported from Great Britain and its possessions.

With regard to pure or mixed tissues, taxed *ad valorem*, the valuation of which in the ports may appear to the Belgian Government to present difficulties, the Belgian Government reserves to itself the power to designate the Custom-House of Brussels exclusively for the admission of such goods.

XIV. Neither of the two High Contracting Parties shall impose upon goods the produce or manufacture of the other party, other or higher duties of importation than such as are or may be imposed upon the same goods the produce of any other foreign country.

Each of the two parties engages to extend to the other any favour or privilege, or reduction in the tariff of duties of importation or exportation, on articles mentioned, or not mentioned, in the present Treaty, which either of them may grant to any third Power. They engage, moreover, not to establish against each other any duty or prohibition of importation or exportation, which shall not, at the same time, be applicable to all other nations.

pour les marchandises importées de France en Belgique, par les Articles XVIII à XXVI inclus, du Traité de Commerce conclu entre ces deux Etats le 1er Mai, 1861,\* s'appliqueront également en Belgique aux mêmes marchandises importées de la Grande Bretagne et de ses possessions.

A l'égard des tissus purs ou mélangés, taxés à la valeur, dont l'estimation dans les ports lui paraîtrait présenter des difficultés, le Gouvernement Belge se réserve la faculté de désigner exclusivement la Douane de Bruxelles pour l'admission de ces marchandises.

XIV. Ni l'une ni l'autre des deux Hautes Parties Contractantes n'imposera sur les marchandises provenant du sol ou de l'industrie de l'autre partie, d'autres ni de plus forts droits d'importation que ceux qui sont ou seront imposés sur les mêmes marchandises provenant de tout autre Etat étranger.

Chacune des deux parties s'engage à faire profiter l'autre de toute faveur, de tout privilège, ou abaissement dans les tarifs des droits à l'importation ou à l'exportation des articles mentionnés ou non dans le présent Traité, que l'une d'elles pourrait accorder à une tierce Puissance. Elles s'engagent, en outre, à n'établir l'une envers l'autre aucun droit ou prohibition d'importation ou d'exportation, qui ne soit en même temps applicable aux autres nations.

It is further agreed that if sea salt refined in Belgium should obtain a deduction of more than 7 per cent. from the general duty of excise, British salt refined in Belgium shall enjoy, at the same moment, a deduction from the excise which shall not be inferior by more than 7 per cent. to the deduction granted to sea salt.

XV. Articles the produce or manufacture of Belgium shall not be subject in the British Colonies to other or higher duties than those which are or may be imposed upon similar articles of British origin.

XVI. The subjects of one of the High Contracting Parties shall enjoy, in the dominions of the other, the same protection as native subjects in all that relates to property in trade marks, as well as in industrial and manufacturing patterns and models of every description.

The exclusive right to make use of an industrial or manufacturing pattern or model shall not, with regard to British subjects in Belgium, and reciprocally with regard to Belgian subjects in Great Britain, have a duration longer than that fixed by the law of the country for native subjects.

If the industrial or manufacturing pattern or model is open to the public in the country of origin, it cannot be made the subject of an exclusive right in the other country.

Il est convenu, enfin, que si les sels marins raffinés en Belgique venaient à obtenir une déduction de plus de 7 pour cent du droit général de l'accise, le sel Britannique raffiné en Belgique jouira, à l'instant même, d'une déduction de l'accise qui ne pourra être inférieure de plus de 7 pour cent à la déduction accordée aux sels marins.

XV. Les produits d'origine ou de manufacture Belge ne seront pas grevés dans les Colonies Britanniques d'autres ou de plus forts droits que ceux qui frappent ou frapperont les produits similaires originaires de la Grande Bretagne.

XVI. Les sujets de l'une des Hautes Parties Contractantes jouiront, dans les Etats de l'autre, de la même protection que les nationaux, pour tout ce qui concerne la propriété des marques de fabrique ou de commerce, ainsi que des dessins ou modèles industriels et de fabrique de toute espèce.

Le droit exclusif d'exploiter un dessin ou modèle industriel ou de fabrique ne peut avoir, au profit des sujets Britanniques en Belgique, et réciproquement au profit des Belges dans la Grande Bretagne, une durée plus longue que celle fixée par la loi du pays à l'égard des nationaux.

Si le dessin ou modèle industriel ou de fabrique appartient au domaine public dans le pays d'origine, il ne peut être l'objet d'une jouissance exclusive dans l'autre pays.



The provisions of the two preceding paragraphs are applicable to trade marks.

The rights of subjects of one of the High Contracting Parties in the dominions of the other are not subject to the condition that the models or patterns shall be worked there.

The present Article shall not be put into operation in either country, with regard to such models or patterns, until the expiration of a year from the date of the signature of the present Treaty.

XVII. Belgian subjects shall not have the right to claim in Great Britain exclusive property in a mark, model, or pattern, unless they shall have previously complied with the regulations, if any, which are or may be in force for the deposit at London, by British subjects, of marks, models, or patterns.

Reciprocally, British subjects shall not have the right to claim in Belgium exclusive property in a mark, model, or pattern, unless they shall have previously complied with the laws and regulations on those subjects which are or may be in force in Belgium.

XVIII. Each of the High Contracting Parties shall have the right to name Consuls for the protection of trade in the dominions and territories of the other Party; and the Consuls who may be so appointed shall enjoy, within the territories of each Party,

Les dispositions des deux paragraphes qui précèdent sont applicables aux marques de fabrique ou de commerce.

Les droits des sujets de l'une des Hautes Parties Contractantes dans les Etats de l'autre ne sont pas subordonnés à l'obligation d'y exploiter les modèles ou dessins industriels ou de fabrique.

Le présent Article ne recevra son exécution, dans l'un et l'autre pays, à l'égard des modèles ou dessins industriels ou de fabrique, qu'à l'expiration d'une année à dater du jour de la signature du présent Traité.

XVII. Les Belges ne pourront revendiquer dans la Grande Bretagne la propriété exclusive d'une marque, d'un modèle, ou d'un dessin, s'ils ne se sont préalablement conformés aux règlements, s'il en est, qui sont ou seront en vigueur pour le dépôt à Londres, par les sujets Britanniques, des marques, modèles, ou dessins.

Réciproquement, les sujets Britanniques ne pourront revendiquer en Belgique la propriété exclusive d'une marque, d'un modèle, ou d'un dessin, s'ils ne se sont préalablement conformés aux lois et aux règlements sur cette matière qui sont ou seront en vigueur en Belgique.

XVIII. Chacune des Hautes Parties Contractantes aura le droit de nommer des Consuls pour la protection du commerce dans les Etats ou territoires de l'autre partie; et les Consuls qui seront nommés ainsi, jouiront dans les territoires de chaque

all the privileges, exemptions, and immunities which are or may be granted in those territories to agents of the same rank and character appointed by or authorized to act for the Government of the most favoured nation.

Before any Consul can act as such, he must, however, in the usual form be approved and admitted by the Government of the country to which he is sent; and each of the two High Contracting Parties shall have the right to except from the residence of Consuls any particular places which either of them may judge proper to be excepted.

XIX. If any vessel of war or merchant-vessel of either of the two countries should be wrecked upon the coasts of the other, such vessel, or any parts thereof, and all furniture and appurtenances belonging thereunto, as well as all goods and merchandize which shall be saved therefrom, or the proceeds thereof, if sold, shall be restored to the proprietors or to their agents, on being claimed by them. In case there should be no such proprietors or agents upon the spot, the said articles and goods, or the proceeds thereof, as well as all the papers found on board of any such vessel, shall be delivered to the British or Belgian Consul in whose district the wreck shall have taken place; and such Consul, proprietors, or agents shall not be called upon to pay any charge but the expenses incurred in the preservation of the property, and the

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Partie de tous les privilèges, exemptions, et immunités qui sont ou pourront être accordés dans ces Etats aux agents du même rang et caractère nommés ou autorisés par le Gouvernement de la nation la plus favorisée.

Avant que quelque Consul puisse agir comme tel, il devra être approuvé et admis dans les formes usitées par le Gouvernement auprès duquel il est envoyé; et chacune des Hautes Parties Contractantes aura la faculté d'excepter de la résidence des Consuls tels endroits spéciaux que chacune d'elles pourra juger à propos d'excepter.

XIX. S'il arrivait que quelque vaisseau de guerre ou navire marchand de l'un des deux Etats fût naufrage sur les côtes de l'autre, ce bâtiment ou ses parties ou débris, ses agrès, et tous les objets qui y appartiendront, ainsi que tous les effets et marchandises qui en auront été sauvés, ou le produit de leur vente, en seront rendus aux propriétaires ou à leurs ayants-droit sur leur réclamation. Dans le cas où ceux-ci se trouveraient absents, les dits objets, marchandises, ou leur produit, seront consignés, ainsi que tous les papiers trouvés à bord de ce bâtiment, au Consul Britannique ou Belge dans le district duquel le naufrage aura eu lieu; et il ne sera exigé, soit du Consul, soit des propriétaires ou ayants-droit, que le paiement des dépenses faites pour la conservation de la propriété, et les mêmes droits de

same rate of salvage which would be equally payable, under the like circumstances, by a national vessel. The goods and merchandise saved from the wreck shall not be subject to the established duties, unless cleared for consumption.

XX. The British flag shall continue to enjoy in Belgium the repayment of the Scheldt Toll so long as the Belgian flag shall enjoy the same.

XXI. From and after, at latest, the day on which the capitalization of the Scheldt Toll shall be effected by a general arrangement,

1. The tonnage duty imposed in Belgian ports shall cease to be levied ;

2. The pilotage duties in Belgian ports and in the Scheldt, so far as depends upon Belgium, shall undergo a reduction,

Of 20 per cent. for sailing vessels ;

Of 25 per cent. for vessels towed ;

Of 30 per cent. for steam-vessels.

3. The system of local taxes imposed by the city of Antwerp shall be throughout diminished.

XXII. As a temporary exception to the stipulations of Article XIV, and for the space of two years from the 1st of October, 1862, the new system shall be applied in the following manner to certain articles of British origin hereinafter enumerated :

Cotton yarns, twisted, warped, or dyed, shall pay the duties imposed upon single yarns un-

sauvetage ou autres qui seraient également payés, en pareille circonstance, par un bâtiment national. Les marchandises et effets sauvés du naufrage ne seront assujettis aux droits établis, qu'autant qu'ils seraient déclarés pour la consommation.

XX. Le pavillon Britannique continuera à jouir en Belgique du remboursement du péage de l'Escaut, tant que le pavillon Belge en jouira lui-même.

XXI. A partir, au plus tard, du jour où la capitalisation du péage de l'Escaut sera assurée par un arrangement général,

1. Le droit de tonnage prélevé dans les ports Belges cessera d'être perçu.

2. Les droits de pilotage dans les ports Belges et dans l'Escaut, en tant qu'il dépendra de la Belgique, seront réduits,

De 20 pour cent pour les navires à voiles ;

De 25 pour cent pour les navires remorqués ;

De 30 pour cent pour les navires à vapeur.

3. Le régime des taxes locales imposées par la ville d'Anvers sera, dans son ensemble, dégrevé.

XXII. Par dérogation provisoire à l'Article XIV, et pendant deux années à partir du 1er Octobre, 1862, le nouveau régime sera appliqué de la manière suivante aux produits d'origine Britannique ci-après dénommés :

Les fils de coton tors, ourdis, ou teints, paieront les droits afférents aux fils simples écrus

bleached or bleached, with an addition of 5 centimes for twisted yarns, 10 centimes for warped yarns, and 15 centimes for dyed yarns, per kilogramme.

The duty on stuff of wool mixed with cotton shall be 22½ per cent. until the 1st of October, 1863, and 20 per cent. until the 1st of October, 1864. During the continuance of the transitory system the importer may, at his choice, pay either 180 francs the 100 kilogrammes, or the duties stipulated above.

The duty upon printed cotton tissues shall be 150 francs the 100 kilogrammes.

XXIII. It is understood that in case the present duty on the importation of foreign spirits should be maintained in the British Tariff, the Article relative to spirits which is contained in the Treaty concluded between Belgium and France on the 1st of May, 1861,\* shall not be applied to British spirits, so far as regards the reductions therein stipulated, until the 1st of October, 1865.

XXIV. The Ionian Islands being under the protection of Her Britannic Majesty, the subjects and vessels of those islands shall enjoy, in the dominions of His Majesty the King of the Belgians, all the advantages which are granted to the subjects and vessels of Great Britain by the present Treaty, as soon as the Government of the Ionian Islands shall have agreed to grant to the subjects and vessels of His

ou blanchis, augmentés de 5 centimes pour les fils tors, de 10 centimes pour les fils ourdis, et de 15 centimes pour les fils teints, par kilogramme.

Le droit sur les étoffes de laine mélangées de coton sera de 22½ pour cent jusqu'au 1er Octobre, 1863, et de 20 pour cent jusqu'au 1er Octobre, 1864. Pendant la durée du régime transitoire, l'importateur pourra, à son choix, payer 180 francs par cent kilogrammes, ou les droits stipulés ci-dessus.

Le droit sur les tissus de coton imprimés sera de 150 francs par cent kilogrammes.

XXIII. Il est entendu que dans le cas où le droit actuel sur l'importation des alcools serait maintenu dans le Tarif Anglais, l'Article relatif aux alcools contenu dans le Traité conclu entre la Belgique et la France le 1er Mai, 1861, ne recevra son application aux alcools Anglais, dans les réductions qu'il stipule, qu'au 1er Octobre, 1865.

XXIV. Les Îles Ionniennes se trouvant sous la protection de Sa Majesté Britannique, les sujets et les navires de ces îles jouiront, dans les États de Sa Majesté le Roi des Belges, de tous les avantages qui sont accordés aux sujets et aux navires de la Grande Bretagne par le présent Traité, aussitôt que Gouvernement des Îles Ionniennes sera convenu d'accorder aux sujets et aux navires de Sa

Majesty the King of the Belgians the same advantages which are granted in those islands to the subjects and vessels of Her Britannic Majesty: it being understood, that in order to prevent abuses, every Ionian vessel claiming the benefits of that Treaty shall be furnished with a patent signed by the Lord High Commissioner of Her Britannic Majesty, or by his representative.

XXV. The present Treaty shall continue in force for 10 years, dating from the 10th day after the exchange of the ratifications. In case neither of the two Contracting Parties should have notified, 12 months before the end of the said period, its intention to terminate the Treaty, it shall remain in force until the expiration of a year dating from the day on which either of the High Contracting Parties shall have given notice for its termination.

The High Contracting Parties reserve to themselves the right to introduce into the Treaty, by common consent, any modifications which may not be at variance with its spirit or principles, and the utility of which may be shown by experience.

XXVI. From and after the date fixed by the preceding Article, the Treaty of Commerce and Navigation of the 27th of October, 1851,\* shall cease to be in force.

XXVII. The present Treaty shall be ratified, and the ratifications shall be exchanged at

Majesté le Roi des Belges les mêmes avantages qu'il accorde, dans ces îles, aux sujets et aux navires de Sa Majesté Britannique; bien entendu toutefois que pour prévenir des abus, tout navire Ionien qui sera dans le cas de réclamer les bienfaits de ce Traité sera muni d'une patente signée par le Lord Haut Commissaire de Sa Majesté Britannique, ou par celui qui le représente.

XXV. Le présent Traité restera en vigueur pendant 10 années à partir du 10<sup>me</sup> jour après l'échange des ratifications. Dans le cas où aucune des deux Hautes Parties Contractantes n'aurait notifié, 12 mois avant la fin de la dite période, son intention d'en faire cesser les effets, le Traité demeurera obligatoire jusqu'à l'expiration d'une année, à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncé.

Les Hautes Parties Contractantes se réservent la faculté d'introduire, d'un commun accord, dans ce Traité, toutes modifications qui ne seraient pas en opposition avec son esprit ou ses principes, et dont l'utilité serait démontrée par l'expérience.

XXVI. A partir de l'époque fixée à l'Article précédent, le Traité de Commerce et de Navigation du 27 Octobre, 1851,\* sera hors de vigueur.

XXVII. Le présent Traité sera ratifié, et les ratifications en seront échangées à Londres avant

London before the 1st day of September, 1862.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done in duplicate at London, the 23rd day of July, in the year of our Lord 1862.

(L.S.) RUSSELL.

(L.S.) THOS. MILNER  
GIBSON.

(L.S.) SYLVAIN VAN DE  
WEYER.

le 1er Septembre, 1862.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le cachet de leurs armes.

Fait à Londres, en double original, le 23me jour du mois de Juillet, de l'an de grâce 1862.

(L.S.) RUSSELL.

(L.S.) THOS. MILNER  
GIBSON.

(L.S.) SYLVAIN VAN DE  
WEYER.

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*Protocol of Conference held at the Foreign Office, July 23, 1862, between the Plenipotentiaries of Great Britain and of Belgium.*

THE Plenipotentiaries of Her Britannic Majesty and of His Majesty the King of the Belgians in proceeding to the signature of the Treaty of Commerce and Navigation between their august Sovereigns, place upon record that they have agreed upon the following points :

1. That the declarations relative to the arrest of seamen deserters, dated the 4th of January, 1855,\* and the Order in Council bearing date the 8th of February, 1855,† and published in the "London Gazette," of the 13th of February, shall continue in force and validity, as if they had been inserted in the said Treaty.

2. That although the Fishery Convention concluded on the 22nd of March, 1852,‡ between Her Britannic Majesty and His Majesty the King of the Belgians, is provisionally maintained, it is under the reservation made by the Government of His Majesty

LES Plénipotentiaires de Sa Majesté Britannique et de Sa Majesté le Roi des Belges, en procédant à la signature du Traité de Commerce et de Navigation entre leurs augustes Souverains, constatent qu'ils sont tombés d'accord sur les points suivants :

1. Que les déclarations relatives à l'arrestation des marins déserteurs datées du 4 Janvier, 1855,\* et l'Ordre en Conseil daté du 8 Février, 1855,† et publié dans la Gazette de Londres du 13 Février, continueront à avoir force et valeur, comme s'ils eussent été insérés au dit Traité.

2. Que, si la Convention de Pêche, conclue le 22 Mars, 1852,‡ entre Sa Majesté Britannique et Sa Majesté le Roi des Belges, est provisoirement maintenue, c'est sous la réserve faite par le Gouvernement de Sa Majesté le Roi des Belges qu'il reproduira,

\* Vol. LI. Page 918.    † Vol. XLV. Page 591.    ‡ Vol. XLI. Page 7.



the King of the Belgians, that they will again bring forward in a future negotiation, the proposition relative to the reciprocal permission to fish within the marine territorial limit.

In maintaining the said Convention concluded on the 22nd of March, 1852, an exception to the stipulations of the Treaty of Commerce and Navigation signed this day, is made in so far as regards the advantages which are or may be given in either country to the produce of national fishery.

3. With regard to sugar, the Government of His Majesty the King of the Belgians reserve to themselves to renew their proposition that an agreement should be come to between Great Britain, Belgium, France, the Zollverein, and the Netherlands, for respectively bringing the duties upon raw and refined sugars imported from any one of those countries into the others to an equality with the taxes imposed upon the same productions of national origin, and for terminating simultaneously in those 5 countries the system of bounties on the exportation of sugar.

The Belgian Government rely upon the support and co-operation of the Government of Her Britannic Majesty for this purpose.

(L.S.) RUSSELL.

(L.S.) THOS. MILNER  
GIBSON.

(L.S.) SYLVAIN VAN DE  
WEYER.

dans une subséquente négociation, la proposition relative à la faculté réciproque de pêcher dans les limites de mer territoriale.

Il est fait exception, en maintenant la dite Convention conclue le 22 Mars, 1852, aux stipulations du Traité de Commerce et Navigation conclu aujourd'hui, en ce qui concerne les avantages dont les produits de la pêche nationale sont ou pourront être l'objet dans l'un ou l'autre pays.

3. En ce qui concerne les sucres, le Gouvernement de Sa Majesté le Roi des Belges se réserve de revenir sur la proposition tendante à établir un accord entre la Grande Bretagne, la Belgique, la France, le Zollverein, et les Pays-Bas, pour ramener respectivement les droits sur les sucres bruts et raffinés, importés de l'un de ces Etats dans les autres, au niveau des taxes imposées aux mêmes produits de fabrication nationale, et pour faire cesser simultanément dans ces 5 pays le régime des primes à l'exportation des sucres.

Pour atteindre ce but, le Gouvernement Belge compte sur l'appui et le concours du Gouvernement de Sa Majesté Britannique.

(L.S.) RUSSELL.

(L.S.) THOS. MILNER  
GIBSON.

(L.S.) SYLVAIN VAN DE  
WEYER.

*Protocol of Conference held at the Foreign Office, August 30, 1862,  
between the Plenipotentiaries of Great Britain and of Belgium.*

THE Undersigned, in proceeding to the exchange of the ratifications of the Treaty of Commerce and Navigation concluded on the 23rd of July, 1862, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Belgians, have agreed to record in the present Protocol the modifications in the said Treaty arranged this day between them; and in consequence of which the following Tariff is adopted :

COTTON YARNS.			
No.	1st year.	2nd year.	
m.	c.	c.	
20,000 and under ..	22	.. 20	
20,000 to 30,000 ..	30	.. 25	
30,000 to 40,000 ..	45	.. 35	
40,000 to 65,000 ..	60	.. 50	

Above 65,000, free entry (weighing charge of 10 centimes) during the whole duration of the Treaty.

These modifications shall have the same force and effect as if they were textually inserted in the said Treaty, and they shall come into operation from the 1st of October, 1862, the old duties continuing to be applied to the above-mentioned articles, as well as to the mixed tissues (Article XXII of the Treaty), up to that date.

In testimony whereof the Plenipotentiaries have signed the present Protocol, and have thereto affixed their seals.

LES Soussignés, en procédant à l'échange des ratifications du Traité de Commerce et de Navigation conclu le 23 Juillet, 1862, entre Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Belges, sont tombés d'accord de consigner dans le présent Protocole les modifications au dit Traité convenues aujourd'hui entr'eux; et en conséquence desquelles le Tarif suivant est adopté :

FILS DE COTON.			
No.	1ère ann.	2ème ann.	
m.	c.	c.	
20,000 et au-dessous	22	.. 20	
20,000 à 30,000 ..	30	.. 25	
30,000 à 40,000 ..	45	.. 35	
40,000 à 65,000 ..	60	.. 50	

Au-dessus de 65,000, libre entrée (droit de balance de 10 centimes) pendant toute la durée du Traité.

Ces modifications auront la même force et valeur que si elles étaient insérées textuellement au dit Traité, et elles seront mises à exécution à partir du 1er Octobre, 1862, le régime ancien continuant à être appliqué aux articles mentionnés ci-dessus, ainsi qu'aux tissus mélangés (Article XXII du Traité), jusqu'à cette date.

En foi de quoi les Plénipotentiaires ont signé le présent Protocole, et y ont apposé le cachet de leurs armes.



Done in London, the 30th of  
August, 1862.

(L.S.) RUSSELL.

(L.S.) THOS. MILNER  
GIBSON.

(L.S.) SYLVAIN VAN DE  
WEYER.

Fait à Londres, le 30 Août,  
1862.

(L.S.) RUSSELL.

(L.S.) THOS. MILNER  
GIBSON.

(L.S.) SYLVAIN VAN DE  
WEYER.

*CONVENTION between Great Britain and Belgium, relative  
to Joint Stock Companies.—Signed at London, November 13,  
1862.*

[Ratifications exchanged at London, December 8, 1862.]

HER Majesty the Queen of  
of the United Kingdom of Great  
Britain and Ireland, and His  
Majesty the King of the Bel-  
gians, having judged it expedient  
to come to an understanding in  
order to define, within their re-  
spective dominions and posses-  
sions, the position of commercial,  
industrial, and financial Com-  
panies and Associations consti-  
tuted and authorized in con-  
formity with the laws in force in  
either of the two countries, have  
resolved to conclude a Conven-  
tion for that purpose, and have  
named as their Plenipotentiaries,  
that is to say :

Her Majesty the Queen of the  
United Kingdom of Great Bri-  
tain and Ireland, the Right  
Honourable John Earl Russell,  
Viscount Amberley of Amberley  
and Ardsalla, a Peer of the United  
Kingdom, Knight of the Most  
Noble Order of the Garter, a  
Member of Her Britannic Ma-  
jesty's Most Honourable Privy

SA Majesté la Reine du Roy-  
aume Uni de la Grande Bretagne  
et d'Irlande, et Sa Majesté le  
Roi des Belges, ayant jugé utile  
de s'entendre, pour régulariser  
dans leurs Etats et possessions  
respectifs, la situation des Com-  
pagnies et associations commer-  
ciales, industrielles, et finan-  
cières, constituées et autorisées  
suivant les lois particulières à  
chacun des deux pays, ont résolu  
de conclure une Convention  
dans ce but, et ont muni à cet  
effet de leurs pleins pouvoirs,  
savoir :

Sa Majesté la Reine du Roy-  
aume Uni de la Grande Bretagne  
et d'Irlande, le Très Honorable  
Jean Comte Russell, Vicomte  
Amberley de Amberley et Ard-  
salla, Pair du Royaume Uni,  
Chevalier du Très Noble Ordre  
de la Jarretière, Membre du  
Très Honorable Conseil Privé  
de Sa Majesté Britannique, Prin-

Council, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs; and the Right Honourable Thomas Milner Gibson, a Member of Her Britannic Majesty's Most Honourable Privy Council, a Member of Parliament, and President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations;

And His Majesty the King of the Belgians, the Sieur Sylvain Van de Weyer, His Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty, Grand Cross of the Order of Leopold, decorated with the Iron Cross, Grand Cross of the Order of Charles III of Spain, of the Order of the Ernestine Branch of Saxony, of the Tower and Sword, of St. Maurice and St. Lazarus, Commander of the Legion of Honour, &c.;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:

**ART. I.** The High Contracting Parties declare that they mutually grant to all companies and other associations, commercial, industrial, or financial, constituted and authorized in conformity with the laws in force in either of the two countries, the power of exercising all their rights, and of appearing before the tribunals, whether for the purpose of bringing an action, or for defending the same, throughout the dominions and posses-

sions, the Principal Secrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères; et le Très Honorable Thomas Milner Gibson, Membre du Très Honorable Conseil Privé de Sa Majesté Britannique, Membre du Parlement, et Président du Comité du Conseil Privé pour les Affaires de Commerce et des Colonies;

Et Sa Majesté le Roi des Belges, le Sieur Sylvain Van de Weyer, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique, Grand-Croix de l'Ordre de Léopold, décoré de la Croix de Fer, Grand-Croix de l'Ordre de Charles III d'Espagne, de l'Ordre de la Branche Ernestine de Saxe, de la Tour et de l'Epée, de St. Maurice et St. Lazare, Commandeur de la Légion d'Honneur, &c.;

Lesquels, après s'être réciproquement communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants:

**ART. I.** Les Hautes Parties Contractantes déclarent reconnaître mutuellement à toutes les compagnies et autres associations commerciales, industrielles, ou financières, constituées et autorisées suivant les lois particulières à l'un des deux pays, la faculté d'exercer tous leurs droits, et d'ester en justice devant les tribunaux, soit pour intenter une action, soit pour y défendre, dans toute l'étendue des Etats et possessions de

sions of the other Power, subject to the sole condition of conforming to the laws of such dominions and possessions.

II. It is agreed that the stipulations of the preceding Article shall apply as well to companies and associations constituted and authorized previously to the signature of the present Convention, as to those which may subsequently be so constituted and authorized.

III. The present Convention is concluded without limit as to duration. Either of the High Powers shall, however, be at liberty to terminate it by giving to the other a year's previous notice. The two High Powers, moreover, reserve to themselves the power to introduce into the Convention, by common consent, any modifications which experience may show to be desirable.

IV. The present Convention shall be ratified, and the ratifications shall be exchanged at London in one month, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the 13th day of November, in the year of our Lord 1862.

(L.S.) RUSSELL.

(L.S.) T. MILNER GIBSON.

(L.S.) SYLVAIN VAN DE  
WEYER.

l'autre Puissance, sans autre condition que de se conformer aux lois des dits Etats et possessions.

II. Il est entendu que la disposition qui précède s'applique aussi bien aux compagnies et associations constituées et autorisées antérieurement à la signature de la présente Convention, qu'à celles qui le seraient ultérieurement.

III. La présente Convention est faite sans limitation de durée. Toutefois, il sera loisible à l'une des deux Hautes Puissances Contractantes de la faire cesser en la dénonçant un an à l'avance. Les deux Hautes Puissances Contractantes se réservent d'ailleurs la faculté d'introduire, d'un commun accord, dans cette Convention, les modifications dont l'utilité serait démontrée par l'expérience.

IV. La présente Convention sera ratifiée, et les ratifications en seront échangées à Londres dans le délai d'un mois, ou plus tôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé, et y ont apposé le sceau de leurs armes.

Fait à Londres, le 18 Novembre, de l'an de grâce 1862.

(L.S.) RUSSELL.

(L.S.) T. MILNER GIBSON.

(L.S.) SYLVAIN VAN DE  
WEYER.

**CONVENTION between Great Britain and Denmark, for the Mutual Surrender of Criminals.—Signed at London, April 15, 1862.**

[Ratifications exchanged at London, May 27, 1862.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Denmark, having judged it expedient, with a view to the better administration of justice, and to the prevention of crime within their respective territories and jurisdictions, that persons charged with or convicted of the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up; their said Majesties have named as their Plenipotentiaries to conclude a Convention for this purpose, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable John Earl Russell, Viscount Amberley of Amberley and Ardsalla, a Peer of the United Kingdom, a Member of Her Majesty's Most Honourable Privy Council, her Principal Secretary of State for Foreign Affairs;

And His Majesty the King of Denmark, M. Torben de Bille, his Chamberlain, Commander of the Order of Danebrog, and decorated with the Cross of Honour of the same Order, his Envoy

DA Hendes Majestæt Dronningen af det Forenede Kongerige Storbritannien og Irland og Hans Majestæt Kongen af Danmark, til bedre haandhævelse af retspleien og til forebyggelse af forbrydelser indenfor deres respective territorier og retsgebet, have anseet det for gavnligt, at personer, som ere anklagede for eller overbeviste om at have gjort sig skyldige i de nedenfor angivne forbrydelser og ved flugt have unddraget sig retsforfølgning, blive under visse omstændigheder gjensidigen udleverede, saa have bemeldte Majestæter til i dette öiemed at afslutte en Convention udnævnt til deres befuldmægtigede:

Hendes Majestæt Dronningen af det Forenede Kongerige Storbritannien og Irland den meget hæderlige Johan, Jarl Russell, Viscount Amberley af Amberley og Ardsalla, Pair af det Forenede Kongerige, Medlem af Hendes Majestæts meget hæderlige Geheimeraad, samt Hendes første Statssekretair for de udenlandske Sager;

Og Hans Majestæt Kongen af Danmark Herr Torben Bille, Commandeur af Danebrog og Danebrogsmand, Allerhöistsammes Kammerherre samt overordentlige Gesandt og befuld-

Extraordinary and Minister Plenipotentiary to Her Britannic Majesty ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles :

ART. I. It is agreed that the High Contracting Parties shall, on requisition made in their name through the medium of their respective Diplomatic Agents, deliver up to justice persons who, being accused or convicted of murder (comprehending the crimes of assassination, parricide, infanticide, and poisoning) or attempt to commit murder, or of forgery (comprehending the counterfeiting of bank-notes, or public securities, or money), or of fraudulent bankruptcy, committed within the jurisdiction of the requiring party, shall be found within the territories of the other, provided that such persons are not subjects of the party upon which the requisition is made. Provided also, that in the case of a person accused, the surrender shall be made only when the commission of the crime shall be so established as that the laws of the country where the fugitive or person so accused shall be found would justify his apprehension and commitment for trial, if the crime had been there committed ; and in the case of a person convicted, the surrender shall be made only on the production of an authenticated copy of his con-

mægtigede Minister hos Hendes Britiske Majestæt ;

Hvilke, efter gjensidig meddelelse af deres respective fuldmagter, der befandtes i god og rigtig form, ere komne overens om følgende Artikler :

ART. I. De Höie Contraherende Parter forpligte sig til, paa derom i deres navn gennem deres Diplomatiske Agenter fremsat begjæring, at udlevere personer, som, anklagede for eller overbeviste om at have indenfor den parts territorium, der begjærer udleveringen, begaaet mord (derunder indbefattet snigmord, forældre- og frændemord, fostermord og giftmord) eller derpaa at have gjort attentat, falsk (derunder indbefattet eftergjören af banksedler, statspapirer eller penge) eller svigagtig fallit, maatte blive antrufne indenfor den anden parts territorium, forudsat at saadanne personer ikke er den parts undersaatter, til hvilken begjæringen om udlevering er rettet. Det fastsættes fremdeles, at en person, der er anklaget for en forbrydelse, kun kan fordres udleveret, naar der er tilveiebragt et saadant beviis for udförelsen af denne, at der efter det lands love, hvor den undvegne eller for en forbrydelse anklagede antræffes, heri vilde indeholdes tilstrækkelig hjemmel til at paa gribe ham og stille ham for retten, hvis forbrydelsen var begaaet i det paagjældende land ; samt at udleveringen af en dom-

viction and on proof of his identity.

Consequently, on the part of the Danish Government, the surrender shall be made only by the consent of the Minister to whose department appertains the administration of justice, and after the production, in the case of a person accused, of a warrant of arrest or other equivalent judicial document, issued by a judge or other competent authority in the United Kingdom, clearly setting forth the acts for which the fugitive shall have rendered himself accountable; or, in the case of a person convicted, on the production of an authenticated copy of his conviction, and on proof of his identity.

On the part of the British Government, the surrender in the case of a person accused shall be made only on the warrant or other equivalent judicial document for the arrest of a fugitive, issued by a judge or magistrate duly authorized to take cognizance of the acts charged against the fugitive in Denmark, and on duly authenticated depositions or statements on oath before such judge or magistrate, clearly setting forth the said acts, or on such other evidence thereof as, according to the laws of England, would warrant the apprehension of the said fugitive, and his committal for trial for the

fældt person alene skal finde sted, naar en bekræftet gjenpart af dommen er bleven fremlagt, og hans identitet er bleven godtgjort.

Som en følge heraf skal fra den Danske Regerings side udleveringen alene finde sted, naar det Ministerium, under hvilket retspleiens ledelse henhører, dertil har givet sit samtykke, og efterat, dersom personen er sat under anklage, en arrestordre eller andet tilsvarende retsdocument er blevet tilveiebragt, udfærdiget af en domstol eller anden kompetent myndighed i det Forenede Kongerige og indeholdende en klar angivelse af de handlinger, i hvilke den undvegne person formenes at have gjort sig skyldig; eller, dersom personen er domfældt, efterat en bekræftet gjenpart af dommen er bleven fremlagt, og hans identitet er bleven godtgjort.

Fra den Storbritanniske Regerings side skal udleveringen alene finde sted, for en anklaget persons vedkommende, mod tilveiebringelse af et arrestdecret eller andet tilsvarende retsdocument, udfærdiget til paagribelse af den undvegne af en domstol eller anden offentlig myndighed i Danmark, som er berettiget til at anstille undersøgelser om de handlinger, der lægges den undvegne til last, samt af behørigen bekræftede udsagn eller forklaringer, afgivne under eds tilbud for en saadan domstol eller en offentlig myndighed og indeholdende en tydelig angivelse af disse hand-

said acts, if they had been therein committed; or, in the case of a person convicted, on the production of an authenticated copy of his conviction, and on proof of his identity.

II. In the case of a person accused or convicted of any of the crimes mentioned in the preceding Article, who may have fled from a colony or possession of one of the High Contracting Parties, and be found in a colony or possession of the other, the surrender shall be made, subject always to the conditions prescribed in the preceding Article, on a requisition addressed by the Governor of the one colony directly to the Governor of the other. The Governor upon whom the requisition is made shall be at liberty either to grant the surrender or to refer the matter to his Government.

III. The expenses of any detention and surrender made in virtue of the preceding Articles shall be borne and defrayed by the Government in whose name the requisition shall have been made.

IV. The present Convention shall come into operation as soon as the necessary legislative Acts shall have been passed. Either of the High Contracting Parties

linger, eller af andet saadant beviis, som i overensstemmelse med Englands love indeholde hjemmel til at paagribe den undvegne og stille ham for retten, dersom handlingerne vare blevne begaaede i bemeldte land; eller, for en domfældt persons vedkommende, mod tilveiebringelsen af en bekræftet gjenpart af dommen og af beviis for hans identitet.

II. Dersom en person, anklaget eller domfældt for nogen af de i foregaaende Artikel nævnte forbrydelser, skulde være undvegen fra en coloni eller besiddelse tilhørende den ene af de Høie Contraherende Parter og blive antruffen i en coloni eller besiddelse tilhørende den anden part, skal udleveringen, dog ikkun under de i foregaaende Artikel fastsatte betingelser, finde sted paa en af den ene colonies Gouverneur til den anden colonies Gouverneur directe rettet begjæring. Det skal staae den Gouverneur, til hvem begjæringen er rettet, frit for enten at indrømme udleveringen eller at henstille sagen til sin Regerings afgjørelse.

III. Omkostningerne ved en i overensstemmelse med ovenstaaende Artikel stedfinden anholdelse og udlevering skulde bæres og udredes af den Regering, i hvis navn begjæringen er fremsat.

IV. Nærværende Convention skal træde i kraft, saasnart den fornødne sanction af den lovgivende Magt er tilveiebragt. Hver af de Høie Contraherende



shall be at liberty to give notice to the other at any time for its termination; and in such case it shall altogether cease and determine at the expiration of 6 months from the date of such notice.

V. The present Convention shall be ratified, and the ratifications shall be exchanged at London in one month, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the seal of their arms.

Done at London, the 15th day of April, in the year of our Lord 1862.

(L.S.) RUSSELL.

(L.S.) TORBEN BILLE.

Parter skal til enhver tid være berettiget til at opsige den anden part denne Convention, der i saadant tilfælde skal ophøre at være gjældende sex maaneder fra opsigelsens dato.

V. Nærværende Convention skal ratificeres, og ratificationerne skulle udvexles i London om en maaned, eller tidligere, hvis skeep kan.

Dette til bekræftelse have de respective befuldmægtigede undertegnet nærværende Convention, og paatrykt samme deres vaabensegl.

Givet i London den 15de April, aar efter Christi byrd 1862.

(L.S.) RUSSELL.

(L.S.) TORBEN BILLE.

*CONVENTION between Great Britain and France, relative to Joint Stock Companies.—Signed at Paris, April 30, 1862.*

[Ratifications exchanged at Paris, May 15, 1862.]

HÆ Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of the French, having judged it expedient to come to an understanding in order to define, within their respective dominions and possessions, the position of commercial, industrial, and financial companies and associations constituted and authorized in conformity with the laws in force in either of the two countries, have

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté l'Empereur des Français, ayant jugé utile de s'entendre, pour régulariser dans leurs Etats et possessions respectifs, la situation des compagnies et associations commerciales, industrielles, et financières, constituées et autorisées suivant les lois particulières à chacun des deux pays, ont résolu de conclure une Convention dans ce but, et ont muni



resolved to conclude a Convention for that purpose, and have named as their Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Henry Richard Charles Earl Cowley, Her Majesty's Ambassador Extraordinary and Plenipotentiary to the Emperor of the French ;

And His Majesty the Emperor of the French, M. Edouard Antoine Thouvenel, Senator, His Minister and Secretary of State for the Department for Foreign Affairs ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles :

ART. I. The High Contracting Parties declare that they mutually grant to all Companies and other Associations, commercial, industrial, or financial, constituted and authorized in conformity with the laws in force in either of the two countries, the power of exercising all their rights, and of appearing before the tribunals, whether for the purpose of bringing an action, or for defending the same, throughout the dominions and possessions of the other Power, subject to the sole condition of conforming to the laws of such dominions and possessions.

II. It is agreed that the stipulations of the preceding Articles shall apply as well to Companies

à cet effet de leurs pleins pouvoirs, savoir :

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Henri Richard Charles Comte Cowley, Son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté l'Empereur des Français ;

Et Sa Majesté l'Empereur des Français, M. Edouard Antoine Thouvenel, Sénateur, son Ministre et Secrétaire d'Etat au Département des Affaires Etrangères ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Les Hautes Parties Contractantes déclarent reconnaître mutuellement à toutes les Compagnies et autres Associations commerciales, industrielles, ou financières, constituées et autorisées suivant les lois particulières à l'un des deux pays, la faculté d'exercer tous leurs droits, et d'ester en justice devant les tribunaux, soit pour intenter une action, soit pour y défendre, dans toute l'étendue des Etats et possessions de l'autre Puissance, sans autre condition que de se conformer aux lois des dits Etats et possessions.

II. Il est entendu que la disposition qui précède s'applique aussi bien aux Compagnies et

and Associations constituted and authorized previously to the signature of the present Convention, as to those which may subsequently be so constituted and authorized.

III. The present Convention is concluded without limit as to duration. Either of the High Powers shall, however, be at liberty to terminate it by giving to the other a year's previous notice. The two High Powers, moreover, reserve to themselves the power to introduce into the Convention, by common consent, any modifications which experience may show to be desirable.

IV. The present Convention shall be ratified, and the ratifications shall be exchanged at Paris in 15 days, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done in duplicate at Paris, the 30th of April, 1862.

Associations constituées et autorisées antérieurement à la signature de la présente Convention, qu'à celles qui le seraient ultérieurement.

III. La présente Convention est faite sans limitation de durée. Toutefois, il sera loisible à l'une des deux Hautes Puissances Contractantes de la faire cesser en la dénonçant un an à l'avance. Les deux Hautes Puissances Contractantes se réservent d'ailleurs la faculté d'introduire, d'un commun accord, dans cette Convention, les modifications dont l'utilité serait démontrée par l'expérience.

IV. La présente Convention sera ratifiée, et les ratifications en seront échangées dans le délai de 15 jours, ou plus tôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signée, et y ont apposé le sceau de leurs armes.

Fait en double original à Paris, le 30 Avril, 1862.

(L.S.) COWLEY.

(L.S.) THOUVENEL.

**SUPPLEMENTARY CONVENTION** *between Great Britain and Morocco, relative to a Loan to be raised in London by the Emperor.\*—Signed at Tangier, January 18, 1862.*

[Ratifications exchanged at Tangier, February 19, 1862.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland having concluded a Convention with His Majesty the

\* Signed also in the Arabic language.

Emperor of Morocco, at Tangier, on the 24th day of October, 1861,\* corresponding to the Moorish date of the 18th of the month of Rabbea the Second, in the year 1278, for the purpose of facilitating the raising in London, by His Majesty the Emperor of Morocco, of a loan of 426,000*l.* sterling, in order to enable him to meet his engagements with Her Catholic Majesty; and whereas it is proposed that the said sum of 426,000*l.* sterling shall be raised at the rate of 85*l.* cash for each 100*l.* stock, whereby the nominal amount of the loan will become 501,176*l.* 10*s.* sterling; and doubts having been entertained whether the arrangements of the said Convention for the repayment of the loan extend to an amount of stock greater than the sum of 426,000*l.* sterling, intended to be raised in cash; Her Britannic Majesty and His Majesty the Emperor of Morocco have resolved to conclude a further Convention on the subject, and have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, John Hay Drummond Hay, Esquire, Companion of the Most Honourable Order of the Bath, Her Minister Resident at the Court of His Majesty the Emperor of Morocco;

And His Majesty the Emperor of Morocco, his Officer, the learned Fakee Seed Hadj Abderrahman el Ajee;

Who, after having communicated to each other their respective full powers, have agreed upon and concluded the following Articles:

ART. I. His Majesty the Emperor of Morocco engages that the arrangements of the said Convention so entered into as aforesaid shall apply, not only to the sum of 426,000*l.* sterling intended to be raised in cash, or to so much thereof as shall be so raised, but shall extend to the sum of 501,176*l.* 10*s.* sterling, being the amount of the stock proposed to be created to raise the said loan, or to such other amount of stock greater than the sum of 501,176*l.* 10*s.* sterling, which it may be necessary to create in order to cover and include any discount, bonus, or other consideration which the Commissioner of His said Majesty may, with the concurrence and sanction of His said Majesty, allow to the subscribers to the said loan.

II. The Commissioner of Her Britannic Majesty mentioned in the Convention aforesaid shall, by virtue of the said Convention, continue to receive the 50 per cent. of the Custom duties at all the ports of the Empire of Morocco, until not only the said sum of 426,000*l.* sterling and interest thereon, but until also the amount of stock representing that sum, and any discount, bonus, or other consideration to be allowed to the subscribers to the said loan, as provided in the preceding Article, shall have been fully paid.

III. In case only a part of the 426,000*l.* sterling cash should be raised, then the stipulations of Articles I and II shall apply only to the corresponding amount of stock.

IV. The present Convention shall be ratified by Her Majesty the Queen of Great Britain and Ireland, and by His Majesty the Emperor of Morocco, and the ratifications shall be exchanged at Tangier as soon as possible within 60 days from the date hereof.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto their respective seals.

Done at Tangier, the 18th day of January, in the year 1862, corresponding to the Moorish date of the 17th of Rejeb, in the year 1278.

(L.S.) J. H. DRUMMOND HAY.

(Arabic signature of)

(L.S.) HADJ ABDERRAHMAN EL AJEE.

*TREATY of Friendship, Commerce, and Navigation between Great Britain and Salvador.—Signed at Guatemala, October 24, 1862.*

[Ratifications exchanged at London, April 16, 1863.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Salvador, being desirous to maintain and improve the relations of good understanding which happily subsist between them, and to promote the commercial intercourse between their respective subjects and citizens, have deemed it expedient to conclude a Treaty of Friendship, Commerce, and Navigation, and have for that purpose named as their respective Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, George Benvenuto Mathew, Esquire, Her Majesty's Minister Plenipotentiary to the Republics of Central America;

LA República del Salvador y Su Majestad la Reina del Reyno Unido de la Gran Bretaña é Irlanda, deseando mantener y mejorar las relaciones de buena inteligencia que felizmente subsisten entre ellos, y promover el comercio entre sus respectivos ciudadanos y súbditos, han creído conveniente ajustar un Tratado de Amistad, Comercio, y Navegacion, para cuyo fin han nombrado sus respectivos Plenipotenciarios, á saber :

Su Excelencia el Presidente de la República del Salvador, al Señor Doctor Don Mariano Padilla, Caballero de la Real Orden Americana de Ysabel la Católica, &c. ;

And his Excellency the President of the Republic of Salvador, Señor Doctor Don Mariano Padilla, Knight of the Royal American Order of Isabel la Católica.

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles :

ART. I. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland recognizes the sovereignty and independence of the Republic of Salvador. Consequently, there shall be a perfect, firm, and inviolable peace and sincere friendship between Her Britannic Majesty and the Republic of Salvador, throughout the whole extent of their possessions and territories, and between their subjects and citizens respectively, without distinction of persons or places.

II. The two High Contracting Parties being desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the subjects or citizens of each may frequent all the coasts and countries of the other, and reside therein, and shall have the power to purchase and hold all kinds of property which the laws of the country may permit any foreigners, of whatever nation, to hold

Y Su Majestad la Reina del Reyno Unido de la Gran Bretaña é Yrlanda, al Señor Don George Benvenuto Mathew, Escudero, Ministro Plenipotenciario de Su Majestad Británica en las Repúblicas de Centro-América ;

Quienes, despues de haber comunicado el uno al ótro sus respectivos plenos poderes, encontrandolos en buena y debida forma, han estipulado y concluido los Articulos siguientes :

ART. I. Su Majestad la Reina del Reyno Unido de la Gran Bretaña é Yrlanda reconoce la soberania é independencia de la República del Salvador. En consecuencia habrá una perfecta, firme é inviolable paz, y amistad sincera, entre la República de Salvador y Su Majestad Británica, por toda la extension de sus territorios, y entre sus respectivos ciudadanos y súbditos, sin distincion de personas ó lugares.

II. Las dos Altas Partes Contratantes, deseando poner el comercio y navegacion de sus respectivos paises sobre la base liberal de una perfecta igualdad y reciprocidad, convienen mutuamente que los ciudadanos y súbditos de la una puedan frecuentar todas las costas y paises de la otra, y residir en ellos, y tendrán la facultad de comprar y poseer toda clase de propiedad qui las leyes del pais permitan poseer á los extranjeros de cualquiera nacion, y ocuparse en toda clase

and to engage in all kinds of trade, manufactures, and mining, upon the same terms with native subjects or citizens. They shall enjoy all the privileges and concessions in these matters which are or may be made to the subjects or citizens of any country; and shall enjoy all the rights, privileges and exemptions in navigation, commerce, and manufactures, which native subjects or citizens do or shall enjoy, submitting themselves to the laws there established, to which native subjects or citizens are subjected.

The ships of war and post-office packets of each Contracting Party respectively shall have liberty to enter into all harbours, rivers, and places within the territories of the other, to which the ships of war and packets of other nations are or may be permitted to come; to anchor there, and to remain and refit; subject always to the laws of the two countries respectively.

The High Contracting Parties further engage that neither will grant any favour to any other nation, in respect of commerce and navigation, which shall not immediately become common to the other Contracting Party.

III. The High Contracting Parties agree that, in regard to the coasting trade, the ships, subjects, and citizens of each shall enjoy, in the dominions and territories of the other, the same

de trafico, manufacturas y minas, en los mismos términos que los ciudadanos y súbditos naturales. Ellos gozarán de todos los privilegios y concesiones que en estas materias se concedan ó puedan concederse á los ciudadanos ó súbditos de cualquier pais; y gozarán de todos los derechos, privilegios y exenciones en navegacion, comercio, y manufacturas de los cuales gozan ó gozaren los ciudadanos ó súbditos naturales, sometiendo á las mismas leyes allí establecidas, á que esten sujetos los ciudadanos ó súbditos naturales.

Los buques de guerra y los paquebotes de cada una de las Partes Contratantes tendrán respectivamente libertad de entrar en todos los puertos, rios, y lugares, dentro de los territorios de la otra, á los cuales se permite ó se permitieren entrar á los buques de guerra ó paquebotes de otras naciones, andar en ellos, permanecer y repararse; sujetos siempre á las leyes de los dos paises respectivamente.

Las Altas Partes Contratantes se comprometen ademas que no concederán ningun favor á cualquiera otra nacion, con respecto al comercio y navegacion, que no se vuelva inmediatamente comun á la otra Parte Contratante.

III. Las Altas Partes Contratantes convienen que con respecto al trafico de costa, los buques, ciudadanos y súbditos de la una gozarán, en los dominios y territorios de la otra, de

privileges, and shall be treated in all respects in the same manner as national vessels and as native subjects and citizens.

IV. The Contracting Parties likewise agree that whatever kind of produce, manufacture, or merchandize can be from time to time lawfully imported into the British dominions in British vessels, may also be imported in vessels of the Republic of Salvador; and that no higher or other duties upon the vessel or upon her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and, in like manner, that whatever kind of produce, manufacture, or merchandize can be from time to time lawfully imported into the Republic of Salvador in its own vessels, may be also imported in British vessels; and that no higher or other duties upon the vessel or upon her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other.

And they further agree, that whatever may be lawfully exported or re-exported from the one country in its own vessels to any foreign country, may in like manner be exported or re-exported in the vessels of the other country; and that the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-

los mismos privilegios, y serán tratados en todos respectos de la misma manera que los buques nacionales, y como los ciudadanos ó súbditos naturales.

IV. Las Partes Contratantes convienen asimismo, que cualquier jenero de producto, manufactura, ó mercaderia que pueda en cualquier tiempo ser legalmente introducido en los dominios Británicos en buques Británicos, pueda tambien ser introducido en buques de la República del Salvador; y que no se impondrán ni cobrarán mas altos ú otros derechos á los buques, ó á su cargamento, ya se haga la importacion en buques de uno ú otro pais; y de la misma manera que cualquier jenero de producto, manufactura, ó mercaderia que pueda en cualquier tiempo ser legalmente introducido en la República del Salvador en sus propios buques, pueda tambien ser introducido en buques Británicos: y que no se impondrán ni cobrarán ni otros ni mas altos derechos al buque ó á su cargamento, ya la importacion se haga en buques del uno ó del otro pais.

Ademas convienen que cualquiera cosa que pueda ser legalmente exportada ó re-exportada de cada uno de los paises, en sus propios buques, á cualquier pais extranjero, pueda de la misma manera ser exportado ó re-exportado en los buques del otro pais y que los mismos premios, derechos, y devolucion de derechos, se concederán, y se cobrarán, ya



exportation be made in British vessels, or in vessels of the Republic of Salvador.

V. No higher or other duties shall be imposed on the importation into the British dominions of any article the growth, produce, or manufacture of the Republic of Salvador, and no higher or other duties shall be imposed on the importation into the Republic of Salvador of any article the growth, produce, or manufacture of the British dominions, than are or shall be payable on the same or the like article being the produce or manufacture of any other foreign country. Nor shall any higher or other duties or charges be imposed, in either of the two countries, on the exportation of any article to the territories of the other, than such as are payable on the exportation of the same or the like article to any other foreign country.

No prohibition shall be imposed upon the importation of any article the growth, produce, or manufacture of the territories of either of the two Contracting Parties into the territories of the other, which shall not equally extend to the importation of the same or the like article being the growth, produce, or manufacture of any other country; nor shall any prohibition be imposed on the exportation of any article from the territories of either of the two Contracting Parties to the territories of the other,

se haga la exportacion ó re-exportacion en buques de la República del Salvador ó en buques Británicos.

V. No se impondrán ni mas altos ni otros derechos sobre la importacion en los dominios Británicos de cualquier articulo de crecimiento, producto, ó manufactura de la República del Salvador, y no se impondrán ni mas altos ni otros derechos sobre la importacion en la República del Salvador, de cualquier articulo, de crecimiento, producto, ó manufactura de los dominios Británicos, que los que se pagan por los mismos ó semejantes articulos, siendo producto ó manufactura de cualquier otro pais extranjero. Ni se impondrán ni mas altos ni otros derechos ó gravámenes, en cada uno de los dos paises, sobre la exportacion de cualquier articulo á los territorios de la otra, que aquellos que se paguen, por la exportacion del mismo ó semejante articulo, á cualquier otro pais extranjero.

Ninguna prohibicion será impuesta á la importacion de cualquier articulo de crecimiento, producto, ó manufactura de los territorios de una de las dos Partes Contratantes en los territorios de la otra, que no se extienda igualmente á la importacion del mismo ó igual articulo, siendo de crecimiento, producto, ó manufactura de cualquiera otro pais; ni se impondrá prohibicion alguna sobre la exportacion de cualquier articulo de los territorios de cada una de las Partes Contratantes á los terri-



which shall not equally extend to the exportation of the same or the like article to the territories of all other nations.

VI. The subjects and citizens of one of the Contracting Parties shall enjoy, in the dominions, possessions, and territories of the other, equality of treatment with native subjects and citizens, or with the subjects and citizens of the most favoured nation, in regard to warehousing, transit, and re-export, and also in regard to bounties, facilities, and drawbacks.

VII. No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties, of whatever nature, or under whatever denomination, levied in the name or for the profit of the Government, public functionaries, corporations, or establishments of whatever kind, shall be imposed in the ports of either country upon the vessels of the other country, which shall not be equally imposed in the like cases on national vessels.

VIII. In order to prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the preceding Articles are, to their full extent, applicable to British vessels and their cargoes arriving in the ports of Salvador, and reciprocally to the vessels of the said Republic and their cargoes arriving in British ports, whether they proceed from the ports of the country to which

terios de la otra, que no se extienda igualmente á la exportacion del mismo ó de igual artículo á los territorios de otras naciones.

VI. Los ciudadanos y súbditos de una de las Partes Contratantes gozarán en los dominios, posesiones y territorios de la otra, de igualdad de trato con los ciudadanos y súbditos naturales, ó con los ciudadanos y súbditos de la nacion mas favorecida, con respecto á almacenage, transito y exportacion, y tambien con respecto á premios, franquicias y devoluciones de derechos.

VII. Ningunos derechos de tonelaje, puerto, pilotage, faros, cuarentena, ú otros semejantes, de cualquiera naturaleza ó denominacion, levantados á nombre ó para provecho del Gobierno, funcionarios públicos, corporaciones, ó establecimientos de cualquiera clase, serán impuestos en los puertos de cada uno de los dos paises, sobre los buques del otro pais, que no sean igualmente impuestos en los casos semejantes sobre los buques nacionales.

VIII. Afin de prevenir la posibilidad de cualquiera mala inteligencia, se declara por tanto que las estipulaciones contenidas en los Artículos precedentes son aplicables en toda su extension á los buques Británicos y á sus cargamentos que arriben á los puertos del Salvador, y reciprocamente á los buques de dicha República y á sus cargamentos que arriben á los puertos Británicos, ya procedan del pais

they respectively belong, or from the ports of any other foreign country ; and, in either case, no discriminating duty shall be imposed or collected in the ports of either country on the said vessels or upon their cargoes, whether such cargoes shall consist of native or of foreign produce or manufacture.

IX. All vessels which, according to the laws of Great Britain, are to be deemed British vessels, and all vessels which, according to the laws of the Republic of Salvador, are to be deemed vessels of that Republic, shall, for the purposes of this Treaty, be deemed British vessels and vessels of Salvador respectively.

X. It is likewise agreed, that it shall be wholly free for all merchants, commanders of ships, and other subjects or citizens of both countries, to manage, by themselves or agents, their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandize by wholesale or retail, as with respect to the loading, unloading, and sending off their ships ; they being in all these cases, to be treated as subjects or citizens of the country in which they reside or are conducting their business, and to be subject to the laws of that country.

XI. Whenever the citizens of either of the Contracting Parties shall be forced to seek refuge or

á que respectivamente pertenezcan, ó de los puertos de cualquiera otro pais extranjero ; y en uno y otro caso, ningun derecho diferente será impuesto ó cobrado en los puertos de uno y otro pais á dichos buques ó á sus cargamentos, ya consistan tales cargamentos de producto ó manufactura natural ó extranjera.

IX. Todos los buques que segun las leyes de la Gran Bretaña se reputaren buques Británicos, y todos los buques que segun las leyes de la República del Salvador se reputaren buques de la República, serán para los efectos de este Tratado reputados buques Británicos y buques del Salvador respectivamente.

X. De la misma manera se ha convenido que tengan entera libertad todos los comerciantes, comandantes de buques, y otros ciudadanos y súbditos de ambos paises, para manejar por si mismos ó por agentes sus negocios propios, en todos los puertos y lugares sujetos á la jurisdiccion de una y otra, como tambien con respecto á la consignacion y venta de sus efectos y mercaderias, por mayor ó por menor, como con respecto á cargar y descargar, y á enviar sus buques ; siendo en todos estos casos tratados como ciudadanos ó súbditos del pais en que residieren ó manejen sus negocios, y estarán sujetos á las leyes de aquel pais.

XI. Siempre que los ciudadanos de cada una de las Partes Contratantes fueren obligados á

asylum in the rivers, bays, ports, or dominions of the other, with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity; and all favour and protection shall be given to them for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

XII. If any ship of war or merchant-vessel of either of the High Contracting Parties should be wrecked on the coasts of the other, such ship or vessel, or any parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandize which shall be saved therefrom, or the produce thereof if sold, shall be faithfully restored to the owners, upon being claimed by them or by their duly authorized agents; and if there are no such owners or agents on the spot, then the said ships, or parts of ships, furniture, appurtenances, goods, and merchandize, or the proceeds thereof if sold, as well as all the papers found on board such wrecked ship or vessel, shall be delivered to the British Consul or Vice-Consul, or to the Consul or Vice-Consul of the Republic of Salvador, in whose district the wreck may have taken place, upon being claimed by him, and on his giving a receipt or acknowledgment for the same; and upon payment

buscar refugio ó asilo en los rios, bahias, puertos, ó dominios de la otra, con sus buques, ya mercantes ó de guerra, públicos ó privados, por la violencia de una tempestad, persecuimiento de piratas ó enemigos, ó per falta de provisiones ó agua, serán recibidos y tratados con humanidad, y se les dará todo favor y proteccion para reparar sus buques, hacerse de provisiones, y ponerse en capacidad de continuar su viaje, sin obstaculo ó impedimiento alguno.

XII. Si algun buque de guerra ó nave mercante de cada una de las Altas Partes Contratantes naufragare en las costas de la otra, tal buque ó nave, ó cualquiera parte y todo el apresto y pertenencias de ellas, todos los efectos, y mercaderias que se salvaren, ó el producto de ellas si fuesen vendidas, serán fielmente entregados á sus dueños ó agentes debidamente autorizados, y si no hubiere tales dueños ó agentes en el lugar, entonces los dichos buques, ó parte de los buques, aprestos, pertenencias, ó efectos y mercaderias, ó sus productos si fuesen vendidos, como tambien los papeles encontrados á bordo de dichos buques naufragados, serán entregados al Consul ó Vice-Consul de la República del Salvador, ó al Consul ó Vice-Consul Británico, en cuyo distrito haya tenido lugar el naufragio, siendo reclamados por él, y dando un recibo ó reconocimiento de lo mismo, y pagando dicho Consul, Vice-Consul, dueños, ó agentes, solamente los gastos incurridos

by such Consul, Vice-Consul, owners, or agents, of only the expenses incurred in the preservation of the property, and of the salvage and other expenses which would have been payable in the like case of a wreck of a national vessel. The charge for such salvage or other expenses shall be made and settled immediately, subject to such right of appeal on the part of the person paying the same as may exist in the respective countries. The goods and merchandize saved from the wreck shall not be subject to duties, unless cleared for consumption; in which case they shall be liable only to the same duties as if they had been imported in a national vessel.

XIII. The subjects and citizens of either of the two Contracting Parties in the territories of the other shall be at full liberty to acquire, possess, and dispose of, whether by purchase, sale, donation, exchange, marriage, testament, succession *ab intestato*, or in any other manner whatever, every description of property which the laws of the country may permit any foreigners, of whatsoever nation, to hold. Their heirs and representatives may succeed to and take possession of such property, either in person or by agents, acting on their behalf, in the ordinary form of law, in the same manner as subjects or citizens of the country; and in the absence of such heirs and representatives, the property shall be treated in the same manner as the like property

en la conservacion de la propiedad, y el salvamento y los otros gastos que se pagaren en igual caso de un naufragio de un buque nacional.

El gasto ó costo de tal salvamento y las demas expensas serán hechas y arregladas inmediatamente, sujetos á aquel derecho de apelacion de parte de la persona que los pague, que pueda existir en los respectivos paises.

Los efectos y mercaderias salvadas del naufragio no estarán sujetos á derechos, á no ser que sean extrahidos para el consumo; en cuyo caso estarán sujetos á los mismos derechos que si hubiesen sido importados en un buque nacional.

XIII. Los ciudadanos y súbditos de cada una de las dos Partes Contratantes tendrán entera libertad para adquirir, poseer, y disponer, ya por compra, venta, donacion, cambio, matrimonio, testamento, succession *ab intestato*, ó de cualquiera otra manera, toda clase de propiedad que las leyes del pais permitan poseer á los extranjeros de cualquiera nacion. Sus herederos y representantes podrán suceder y tomar posesion de tal propiedad por si, ó por agentes que hagan sus veces, en la forma ordinaria de la ley, de la misma manera que los ciudadanos y súbditos del pais; y en caso de ausencia de tales herederos y representantes, la propiedad será tratada de la misma manera que la propiedad que pertenezca á un ciudadano ó súbdito del pais, en circunstancias

belonging to a subject or citizen of the country under similar circumstances.

In none of these respects shall they pay upon the value of such property any other or higher impost, duty, or charge, than is payable by subjects or citizens of the country. In every case the subjects and citizens of the Contracting Parties shall be permitted to export their property, or the proceeds thereof; British subjects from the territory of Salvador, and Salvador citizens from the British territory, freely, and without being subjected on such exportation to pay any duty as foreigners, and without having to pay any other or higher duties than those to which subjects or citizens of the country are liable.

XIV. Both Contracting Parties promise and engage formally to give their special protection to the persons and property of the subjects or citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice, for their judicial recourse, on the same terms which are usual and customary with the native subjects or citizens of the country; for which purpose they may either appear in proper person, or employ, in the prosecution or defence of their rights, such advocates, solicitors, notaries, agents, and factors as they may judge proper,

semejantes.

En ninguno de estos respectos pagarán por el valor de tal propiedad otros ó mas altos derechos, impuestos, ó gravámenes, que los que se paguen por los ciudadanos ó súbditos del país.

En todo caso, los ciudadanos y súbditos de las Partes Contratantes tendrán permiso de exportar su propiedad, ó los productos de ella; los súbditos Británicos del territorio del Salvador, y los ciudadanos del Salvador del territorio Británico, libremente, y sin estar sujetos por tal exportacion á pagar ningun derecho como extranjeros, y sin tener que pagar otros ó mas altos impuestos que aquellos á que esten sujetos ciudadanos ó súbditos del país.

XIV. Ambas Partes Contratantes se comprometen y empeñan formalmente á dar su proteccion especial á las personas y propiedades de los ciudadanos y súbditos de la otra, de todas las ocupaciones, que puedan tener en los territorios sujetos á la jurisdiccion de la una ó de la otra, transeuntes ó habitantes de ellos, dejandoles abiertos y libres los tribunales de justicia para sus recursos judiciales, en los mismos terminos que se usa y acostumbra con los ciudadanos ó súbditos naturales del país; para cuyo fin podrán presentarse en persona, ó emplear en la prosecucion ó defensa de sus derechos, á aquellos abogados, procuradores, escribanos, agentes y factores, que

in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions or sentences of the tribunals in all cases which may concern them, and shall enjoy in such cases all the rights and privileges accorded to native subjects or citizens.

XV. In the event of any subject or citizen of either of the two Contracting Parties dying without will or testament in the dominions or territories of the other Contracting Party, or in the absence of lawful heirs or representatives, the Consul-General, Consul, or Acting Consul of the nation to which the deceased may belong, shall, so far as the laws of each country will permit, have the right, after a duly made and attested inventory has been signed by him, to take possession and charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, giving immediate notice of the death to the authorities of the country.

XVI. The subjects of Her Britannic Majesty residing in the Republic of Salvador, and the citizens of the Republic of Salvador residing in the dominions of Her Britannic Majesty, shall be exempted from all compulsory military service whatsoever, whether by sea or land, and from all forced loans, or military exactions or requisitions; and

juzguen convenientes, en todas sus acciones judiciales: y tales ciudadanos ó agentes tendrán libre oportunidad para estar presentes en las decisiones ó sentencias de los tribunales, en todos los casos que les conciernan, y gozarán en semejantes casos de todos los derechos y privilegios concedidos á los ciudadanos y súbditos naturales.

XV. En el evento de que algun ciudadano ó súbdito de cada una de las dos Partes Contratantes muera sin ultima voluntad ó testamento en los dominios ó territorios de la otra Parte Contratante, ó en la ausencia de herederos ó representantes legitimos, el Consul-General, Consul, ó Consul interino de la nacion á que perteneciere el difunto, tendrá derecho, en cuanto lo permitan las leyes de cada pais, despues de haber sido firmado por aquel el inventario hecho y autorizado en debida forma, para tomar posesion y encargarse de la propiedad que el difunto haya dejado, en beneficio de sus herederos legitimos y acreedores, dando pronto aviso del fallecimiento á las autoridades del pais.

XVI. Los ciudadanos de la República del Salvador, y los súbditos de Su Majestad Británica, que residan en los dominios de la una ó de la otra Potencia, estarán exentos de todo servicio militar compulsory, ya sea de mar ó de tierra, y de todos los empréstitos forzosos, ó exacciones ó requisiciones militares, y no serán com-



they shall not be compelled, under any pretext whatsoever, to pay any ordinary or extraordinary charges, requisitions, or taxes, other or higher than those that are or may be paid by native subjects or citizens.

XVII. It is agreed and covenanted that neither of the High Contracting Parties shall knowingly receive into, or retain in, its service, any subjects or citizens of the other party who have deserted from the naval or military service of that other party; but that, on the contrary, each of the Contracting Parties shall respectively discharge from its service any such deserters, upon being required by the other party to do so.

And it is further agreed, that if any of the crew of any merchant-vessel of either Contracting Party shall desert from such vessel within any port or in the territory of the other party, the authorities of such port and territory shall be bound to give every assistance in their power for the apprehension of such deserters, on application to that effect being made by the Consul of the party concerned, or by the deputy or representative of the Consul; and any person knowingly protecting or harbouring such deserters shall be liable to punishment.

XVIII. British subjects residing in the territories of the Republic of Salvador shall enjoy the most perfect and entire liberty of conscience, without being annoyed, molested, or dis-

pelidos, bajo ningun pretexto, á pagar cargas ordinarias ó extraordinarias, requisiciones, ó impuestos diferentes ó mas elevados que los que se paguen ó pagaren por los ciudadanos y súbditos naturales.

XVII. Se ha convenido y estipulado que ninguna de las dos Partes Contratantes recibirá con conocimiento, ó retendrá en su servicio, á los ciudadanos y súbditos de la otra Parte, que se hubieren desertado del servicio militar ó naval de aquella otra Parte; sino que, al contrario, cada una de las Partes Contratantes despedirá respectivamente de su servicio á semejantes desertores, siendo requerida por la otra Parte á hacerlo así.

Se conviene ademas, que si alguno de la tripulacion de un buque mercante de cada una de las Partes Contratantes se desertare de tal buque dentro de algun puerto en el territorio de la otra Parte, las autoridades de dicho puerto y territorio estarán obligadas á dar todo el auxilio que puedan para la aprehension de tales desertores, siendo hecha para este efecto una solicitud por el Consul de la Parte interesada, ó por el comisionado ó representante del Consul: y toda persona que á sabiendas proteja ó abrigue á tales desertores estará sujeta á castigo.

XVIII. Los súbditos Británicos que residan en los territorios de la República del Salvador gozarán de la mas perfecta y entera libertad de conciencia, sin ser incomodados, molestados, ó

turbed on account of their religious belief. Neither shall they be annoyed, molested, or disturbed in the proper exercise of their religion, in private houses, or in the chapels or places of worship destined for that purpose, provided that in so doing they observe the decorum due to Divine worship, and the respect due to the laws of the country. Liberty shall also be granted to bury British subjects who may die in the territories of the Republic of Salvador, in convenient and adequate places, to be appointed and established by British subjects for that purpose, with the knowledge of the local authorities, or in such other places of sepulture as may be chosen by the friends of the deceased; nor shall the funerals or sepulchres of the dead be disturbed in any wise or upon any account.

In like manner, the citizens of Salvador shall enjoy within the dominions of Her Britannic Majesty a perfect and unrestrained liberty of conscience, and of exercising their religion within private houses, or in the chapels or places of worship destined for that purpose, agreeably to the laws of those dominions.

XIX. For the better security of commerce between the subjects and citizens of the two High Contracting Parties, it is agreed that if at any time any rupture, or any interruption of friendly intercourse, should unfortunately take place between the two Con-

inquietados, por razon de su creencia religiosa: ni serán incomodados, molestados, ó inquietados en el ejercicio propio de su religion en las casas privadas, ó en las capillas ó lugares de adoracion destinados para este fin, con tal que al hacerlo así observen el decoro debido al culto divino, y el respeto debido á las leyes del pais. Tambien se concederá libertad para enterrar á los súbditos Británicos que murieren en los territorios de la República del Salvador, en lugares convenientes y adecuados, que serán designados y establecidos por los súbditos Británicos para este fin con conocimiento de las autoridades locales, ó en aquellos otros lugares de sepultura que sean elegidos por los amigos del difunto; ni los funerales ó sepulcros de los muertos serán inquietados de manera alguna, ni por ningun motivo.

De la misma manera los ciudadanos del Salvador dentro de los dominios de Su Majestad Británica gozarán de una perfecta y absoluta libertad de conciencia, y de ejercer su religion dentro de casas privadas, ó en las capillas ó lugares de adoracion destinados para este fin, conforme á las leyes de aquellos dominios.

XIX. Para mayor seguridad del comercio entre ciudadanos y súbditos de las dos Altas Partes Contratantes, se ha convenido que si, en algun tiempo, desgraciadamente se verificase algun rompimiento ó alguna interrupcion de las relaciones amistosas



tracting Parties, the subjects or citizens of either of them, established in the territories of the other, who may reside upon the coasts, shall be allowed 6 months, and those who may reside in the interior a whole year, to wind up their accounts and to dispose of their property; and a safe-conduct shall be given to them to embark at the port which they themselves shall select. The subjects or citizens of either of the two Contracting Parties who may be established in the dominions or territories of the other, in the exercise of any trade or other occupation or employment, shall be allowed to remain and continue in the exercise of the said trade or occupation, notwithstanding the interruption of friendship between the two countries, in the free enjoyment of their personal liberty and property, so long as they behave peaceably and observe the laws; and their goods and effects, of whatever description they may be, whether in their own custody or entrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like effects or property belonging to native subjects or citizens. In the same case, debts between individuals, public funds, and the shares of companies, shall never be confiscated, sequestered, or detained.

XX. It shall be free for each

entre las dos Altas Partes Contratantes, los ciudadanos ó súbditos de cada una, establecidos en los territorios de la otra, que residan en las costas, tendrán la concesion de 6 meses, y aquellos que residan en el interior de un año entero, para arreglar sus cuentas, y disponer de su propiedad, y se les dará un salvo-conducto para embarcarse en el puerto que ellos escojieren.

A los ciudadanos ó súbditos de las dos Altas Partes Contratantes que estén establecidos en los territorios ó dominios de la otra, con el ejercicio de algun tráfico ú otra ocupacion ó empleo, se les permitirá permanecer y continuar en el ejercicio de dicho tráfico ú ocupacion, no obstante la interrupcion de la amistad entre los dos paises, en el libre goce de su libertad y propiedad personal, mientras que se porten pacíficamente y observen las leyes; y sus bienes y efectos, de cualquiera naturaleza que sean, ya en su propia custodia ó confiados á individuos ó al Estado, no estarán sujetos á aprehension ó secuestro, ó á cualesquiera otros gravámenes ó demandas, que aquellos que puedan imponerse á iguales efectos ó á la propiedad de la pertenencia de ciudadanos naturales.

En el mismo caso, las deudas entre individuos, los fondos ó documentos publicos, y las acciones de compañías, no serán confiscadas, secuestradas, ó detenidas.

XX. Cada una de las dos

of the two Contracting Parties to appoint Consuls for the protection of trade, to reside in the dominions and territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent.

The Diplomatic Agents and Consuls of each of the two High Contracting Parties in the dominions or territories of the other, shall enjoy whatever privileges, exemptions, and immunities are or shall be granted there to Agents of the same rank, belonging to the most favoured nation.

XXI. The present Treaty shall remain in force for the term of 20 years from the day of the exchange of ratifications; and if neither party shall notify to the other its intention of terminating the same, 12 months before the expiration of the 20 years stipulated above, the said Treaty shall continue binding on both parties beyond the said 20 years, until 12 months from the time that one of the parties may notify to the other its intention of terminating it.

XXII. The present Treaty of Friendship, Commerce, and Navigation, shall be ratified, and the ratifications shall be exchanged at London as soon as possible within 6 months from this date.

In witness whereof, the respective Plenipotentiaries have  
[1861-62. LII.]

Partes Contratantes tendrá libertad de nombrar Consules para la proteccion del comercio, que residan en los dominios y territorios de la otra Parte; pero antes que algun Consul funja como tal, será, en la forma acostumbrada, aprobado y admitido por el Gobierno á que fuere enviado.

Los Agentes Diplomáticos y los Consules de cada una de las dos Altas Partes Contratantes en los dominios y territorios de la otra, gozarán de todos los privilegios, exênciones, é inmuni-dades que se conceden ó concedieren allí á los Agentes del mismo rango pertenecientes á la nacion mas favorecida.

XXI. El presente Tratado permanecerá en fuerza por el término de 20 años desde el dia del canje de las ratificaciones; y si ni una ni otra Parte notificare á la otra su intencion de terminarle, 12 meses antes de la expiracion de los 20 años estipulados arriba, dicho Tratado continuará obligatorio à ambas Partes mas allá de los dichos 20 años, hasta los 12 meses del tiempo en que una de las Partes notifique á la otra su intencion de finalizarle.

XXII. El presente Tratado de Amistad, Comercio, y Navegacion será ratificado, y las ratificaciones serán canjeadas en Londres tan pronto como sea posible dentro de 6 meses, contados desde esta fecha.

En testimonio de lo cual, los respectivos Plenipotenciarios han  
E

signed the same, and have affixed thereto their respective seals.

Done at Guatemala, the 24th day of October, in the year of Our Lord 1862.

(L.S.) GEORGE B.

MATHEW.

(L.S.) MARIANO PADILLA.

firmado el mismo, y han fijado en él sus respectivos sellos.

Hecho en Guatemala, el veinticuatro de Octubre, del año de nuestro Señor 1862.

(L.S.) MARIANO PADILLA.

(L.S.) GEORGE B.

MATHEW.

*TREATY between Great Britain and The United States, for the Suppression of the African Slave Trade.—Signed at Washington, April 7, 1862.*

[Ratifications exchanged at London, May 20, 1862.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, being desirous to render more effectual the means hitherto adopted for the suppression of the Slave Trade carried on upon the coast of Africa, have deemed it expedient to conclude a Treaty for that purpose, and have named as their Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard Bickerton Pemell Lord Lyons, a Peer of Her United Kingdom, a Knight Grand Cross of Her Most Honourable Order of the Bath, and Her Envoy Extraordinary and Minister Plenipotentiary to the United States of America ;

And the President of the United States of America, William H. Seward, Secretary of State ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles :

ART. I. The two High Contracting Parties mutually consent that those ships of their respective navies which shall be provided with special instructions for that purpose, as hereinafter mentioned, may visit such merchant-vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in the African Slave Trade, or of having been fitted out for that purpose, or of having, during the voyage on which they are met by the said cruizers, been engaged in the African Slave Trade, contrary to the provisions of this Treaty ; and that such cruizers may detain, and send or carry away, such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

In order to fix the reciprocal right of search in such a manner as shall be adapted to the attainment of the object of this Treaty, and at the same time avoid doubts, disputes, and complaints, the said right of search shall be understood in the manner and according to the rules following :

1st. It shall never be exercised except by vessels of war, authorized expressly for that object, according to the stipulations of this Treaty.

2ndly. The right of search shall in no case be exercised with respect to a vessel of the navy of either of the two Powers, but shall be exercised only as regards merchant-vessels ; and it shall not be exercised by a vessel of war of either Contracting Party within the limits of a settlement or port, nor within the territorial waters, of the other Party.

3rdly. Whenever a merchant-vessel is searched by a ship of war, the Commander of the said ship shall, in the act of so doing, exhibit to the commander of the merchant-vessel the special instructions by which he is duly authorized to search ; and shall deliver to such commander a certificate, signed by himself, stating his rank in the naval service of his country, and the name of the vessel he commands, and also declaring that the only object of the search is to ascertain whether the vessel is employed in the African Slave Trade, or is fitted up for the said trade. When the search is made by an officer of the cruizer who is not the commander, such officer shall exhibit to the captain of the merchant-vessel a copy of the before-mentioned special instructions, signed by the commander of the cruizer ; and he shall in like manner deliver a certificate signed by himself, stating his rank in the navy, the name of the commander by whose orders he proceeds to make the search, that of the cruizer in which he sails, and the object of the search, as above described. If it appears from the search that the papers of the vessel are in regular order, and that it is employed on lawful objects, the officer shall enter in the log-book of the vessel that the search has been made in pursuance of the aforesaid special instructions ; and the vessel shall be left at liberty to pursue its voyage. The rank of the officer who makes the search must not be less than that of lieutenant in the navy, unless the command, either by reason of death or other cause, is at the time held by an officer of inferior rank.

4thly. The reciprocal right of search and detention shall be exercised only within the distance of 200 miles from the coast of Africa, and to the southward of the 32 parallel of north latitude ; and within 30 leagues from the coast of the island of Cuba.

II. In order to regulate the mode of carrying the provisions of the preceding Article into execution, it is agreed :

1st. That all the ships of the navies of the two nations which

shall be hereafter employed to prevent the African Slave Trade shall be furnished by their respective Governments with a copy of the present Treaty, of the instructions for cruizers annexed thereto, marked A, and of the regulations for the Mixed Courts of Justice annexed thereto, marked B, which Annexes respectively shall be considered as integral parts of the present Treaty.

2ndly. That each of the High Contracting Parties shall, from time to time, communicate to the other the names of the several ships furnished with such instructions, the force of each, and the names of their several commanders. The said commanders shall hold the rank of captain in the navy, or at least that of lieutenant: it being nevertheless understood that the instructions originally issued to an officer holding the rank of lieutenant of the navy, or other superior rank, shall, in case of his death or temporary absence, be sufficient to authorize the officer on whom the command of the vessel has devolved to make the search, although such officer may not hold the aforesaid rank in the service.

3rdly. That if at any time the commander of a cruizer of either of the two nations shall suspect that any merchant-vessel under the escort or convoy of any ship or ships of war of the other nation carries negroes on board, or has been engaged in the African Slave Trade, or is fitted out for the purpose thereof, the commander of the cruizer shall communicate his suspicions to the commander of the convoy, who, accompanied by the commander of the cruizer, shall proceed to the search of the suspected vessel; and in case the suspicions appear well-founded, according to the tenor of this Treaty, then the said vessel shall be conducted or sent to one of the places where the Mixed Courts of Justice are stationed, in order that it may there be adjudicated upon.

4thly. It is further mutually agreed, that the commanders of the ships of the two navies, respectively, who shall be employed on this service, shall adhere strictly to the exact tenor of the aforesaid instructions.

III. As the two preceding Articles are entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects or citizens may incur by an arbitrary and illegal detention of their vessels; it being understood that this indemnity shall be borne by the Government whose cruizer shall have been guilty of such arbitrary and illegal detention; and that the search and detention of vessels specified in Article I of this Treaty shall be affected only by ships which may form part of the two navies, respectively, and by such of those ships only as are provided with the special instructions annexed to the present Treaty, in pursuance of the provisions thereof. The indemnification for the damages of which this Article treats shall be paid within the term

of one year, reckoning from the day in which the Mixed Court of Justice pronounces its sentence.

IV. In order to bring to adjudication, with as little delay and inconvenience as possible, the vessels which may be detained according to the tenor of Article I of this Treaty, there shall be established, as soon as may be practicable, 3 Mixed Courts of Justice, formed of an equal number of individuals of the two nations, named for this purpose by their respective Governments. These courts shall reside; one at Sierra Leone; one at the Cape of Good Hope; and one at New York.

But each of the two High Contracting Parties reserves to itself the right of changing, at its pleasure, the place of residence of the court or courts held within its own territories.

These courts shall judge the causes submitted to them according to the provisions of the present Treaty, and according to the regulations and instructions which are annexed to the present Treaty, and which are considered an integral part thereof; and there shall be no appeal from their decision.

V. In case the commanding officer of any of the ships of the navies of either country, duly commissioned according to the provisions of Article I of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the instructions annexed to it, the Government which shall conceive itself to be wronged thereby shall be entitled to demand reparation; and in such case the Government to which such commanding officer may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may be proved to have committed.

VI. It is hereby further mutually agreed, that every British or American merchant-vessel which shall be searched by virtue of the present Treaty, may lawfully be detained, and sent or brought before the Mixed Courts of Justice established in pursuance of the provisions thereof, if in her equipment there shall be found any of the things hereinafter mentioned, namely:

1st. Hatches with open gratings, instead of the close hatches which are usual in merchant-vessels.

2nd. Divisions or bulkheads in the hold or on deck, in greater number than are necessary for vessels engaged in lawful trade.

3rd. Spare plauk, fitted for laying down as a second or slave deck.

4th. Shackles, bolts, or handcuffs.

5th. A larger quantity of water in casks or in tanks than is requisite for the consumption of the crew of the vessel as a merchant-vessel.



6th. An extraordinary number of water-casks, or of other vessels for holding liquid; unless the master shall produce a certificate from the Custom-House at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel that such extra quantity of casks, or of other vessels, should be used only to hold palm oil, or for other purposes of lawful commerce.

7th. A greater number of mess-tubs or kids than requisite for the use of the crew of the vessel as a merchant-vessel.

8th. A boiler, or other cooking apparatus, of an unusual size, and larger, or capable of being made larger, than requisite for the use of the crew of the vessel as a merchant-vessel; or more than one boiler, or other cooking apparatus, of the ordinary size.

9th. An extraordinary quantity of rice, of the flour of Brazil, of manioc or cassada, commonly called farinha, of maize, or of Indian corn, or of any other article of food whatever, beyond the probable wants of the crew; unless such rice, flour, farinha, maize, Indian corn, or other article of food, be entered on the manifest as part of the cargo for trade.

10th. A quantity of mats or matting greater than is necessary for the use of the crew of the vessel as a merchant-vessel; unless such mats or matting be entered on the manifest as part of the cargo for trade.

If it be proved that any one or more of the articles above specified is or are on board, or have been on board during the voyage in which the vessel was captured, that fact shall be considered as *primâ facie* evidence that the vessel was employed in the African Slave Trade, and she shall in consequence be condemned and declared lawful prize; unless the master or owners shall furnish clear and incontrovertible evidence, proving to the satisfaction of the Mixed Court of Justice, that at the time of her detention or capture the vessel was employed in a lawful undertaking, and that such of the different articles above specified as were found on board at the time of detention, or as may have been embarked during the voyage on which she was engaged when captured, were indispensable for the lawful object of her voyage.

VII. If any one of the articles specified in the preceding Article as grounds for condemnation should be found on board a merchant-vessel, or should be proved to have been on board of her during the voyage on which she was captured, no compensation for losses, damages, or expenses consequent upon the detention of such vessel shall in any case be granted either to the master, the owner, or any other person interested in the equipment or in the lading, even though she should not be condemned by the Mixed Court of Justice.

VIII. It is agreed between the two High Contracting Parties, that in all cases in which a vessel shall be detained under this Treaty, by their respective cruisers, as having been engaged in the African Slave Trade, or as having been fitted out for the purposes thereof, and shall consequently be adjudged and condemned by one of the Mixed Courts of Justice to be established as aforesaid, the said vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up; unless either of the two Governments should wish to purchase her for the use of its navy at a price to be fixed by a competent person chosen for that purpose by the Mixed Court of Justice; in which case the Government whose cruiser shall have detained the condemned vessel shall have the first option of purchase.

IX. The captain, master, pilot, and crew of any vessel condemned by the Mixed Courts of Justice shall be punished according to the laws of the country to which such vessel belongs, as shall also the owner or owners, and the persons interested in her equipment or cargo, unless they prove that they had no participation in the enterprize.

For this purpose, the two High Contracting Parties agree that, in so far as it may not be attended with grievous expense and inconvenience, the master and crew of any vessel which may be condemned by a sentence of one of the Mixed Courts of Justice, as well as any other persons found on board the vessel, shall be sent and delivered up to the jurisdiction of the nation under whose flag the condemned vessel was sailing at the time of capture; and that the witnesses and proofs necessary to establish the guilt of such master, crew, or other persons, shall also be sent with them.

The same course shall be pursued with regard to subjects or citizens of either Contracting Party who may be found by a cruiser of the other on board a vessel of any third Power, or on board a vessel sailing without flag or papers, which may be condemned by any competent court for having engaged in the African Slave Trade.

X. The negroes who are found on board of a vessel condemned by the Mixed Courts of Justice, in conformity with the stipulations of this Treaty, shall be placed at the disposal of the Government whose cruiser has made the capture; they shall be immediately set at liberty and shall remain free, the Government to whom they have been delivered guaranteeing their liberty.

XI. The Acts or instruments annexed to this Treaty, and which it is mutually agreed shall form an integral part thereof, are as follows:



(A.) Instructions for the ships of the navies of both nations destined to prevent the African Slave Trade.

(B.) Regulations for the Mixed Courts of Justice.

XII. The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at London in 6 months from this date, or sooner if possible. It shall continue and remain in full force for the term of 10 years from the day of exchange of the ratifications, and further, until the end of one year after either of the Contracting Parties shall have given notice to the other of its intention to terminate the same; each of the Contracting Parties reserving to itself the right of giving such notice to the other at the end of said term of 10 years. And it is hereby agreed between them, that on the expiration of one year after such notice shall have been received by either from the other party, this Treaty shall altogether cease and determine.

In witness whereof, the respective Plenipotentiaries have signed the present Treaty, and have thereunto affixed the seal of their arms:

Done at Washington, the 7th day of April, in the year of our Lord 1862.

(L.S.) LYONS.

(L.S.) WILLIAM H. SEWARD.

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*ANNEX A.—Instructions for the Ships of the British and United States' Navies employed to prevent the African Slave Trade.*

ART. I. The Commander of any ship belonging to the British or United States' navy, which shall be furnished with these instructions, shall have a right to search and detain any British or United States' merchant-vessel which shall be actually engaged, or suspected to be engaged, in the African Slave Trade, or to be fitted out for the purposes thereof, or to have been engaged in such trade during the voyage in which she may be met with by such ship of the British or United States' navy; and such Commander shall thereupon bring or send such merchant-vessel (save in the case provided for in Article V of these Instructions), as soon as possible, for judgment, before one of the 3 Mixed Courts of Justice established in virtue of Article IV of the said Treaty, that is to say:

If the vessel shall be detained on the coast of Africa, she shall be brought before that one of the two Mixed Courts of Justice to be established at the Cape of Good Hope and at Sierra Leone which may be nearest to the place of detention, or which the captor, on his own responsibility, may think can be soonest reached from such place.

If the vessel shall be detained on the coast of the island of

Cuba, she shall be brought before the Mixed Court of Justice at New York.

II. Whenever a ship of either of the two navies duly authorized as aforesaid, shall meet a merchant-vessel liable to be searched under the provisions of the said Treaty, the search shall be conducted with the courtesy and consideration which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of lieutenant in the navy; or by the officer who at the time shall be second in command of the ship by which such search is made.

III. The Commander of any ship of the two navies, duly authorized as aforesaid, who may detain any merchant-vessel in pursuance of the tenor of the present instructions, shall leave on board the vessel so detained, the master, the mate or boatswain, and two or three, at least, of the crew; the whole of the negroes, if any; and all the cargo. The captor shall, at the time of detention, draw up, in writing, a declaration, which shall exhibit the state in which he found the detained vessel; such declaration shall be signed by himself, and shall be given in or sent, together with the captured vessel, to the Mixed Court of Justice before which such vessel shall be carried or sent for adjudication. He shall deliver to the master of the detained vessel a signed and certified list of the papers found on board the same, as well as a certificate of the number of negroes found on board at the moment of detention.

In the declaration which the captor is hereby required to make, as well as in the certified list of the papers seized, and in the certificate of the number of negroes found on board the detained vessel, he shall insert his own name and surname, the name of the capturing ship, and the latitude and longitude of the place where the detention shall have been made.

The officer in charge of the detained vessel shall, at the time of bringing the vessel's papers into the Mixed Court of Justice, deliver into the Court a certificate signed by himself, and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, the negroes, if any, and her cargo, between the period of her detention and the time of delivering in such paper.

IV. If urgent reasons, arising from the length of the voyage, the state of health of the negroes, or any other cause, should require that either the whole or a portion of such negroes should be disembarked before the vessel can arrive at the place at which one of the Mixed Courts of Justice is established, the Commander of the capturing ship may take upon himself the responsibility of so disembarking the negroes, provided the necessity of the disembarkation, and the causes thereof, be stated in a certificate in

proper form. Such certificate shall be drawn up and entered at the time on the log-book of the detained vessel.

V. In case any merchant-vessel detained in pursuance of the present instructions should prove to be unseaworthy, or in such a condition as not to be taken to one of the 3 ports where the Mixed Courts of Justice are to be established in pursuance of the Treaty of this date, the commander of the detaining cruizer may take upon himself the responsibility of abandoning or destroying her, provided the exact causes which made such a step imperatively necessary be stated in a certificate verified on oath. Such certificate shall be drawn up and formally executed in duplicate at the time.

In case of the abandonment or destruction of a detained vessel, the master and crew, together with the negroes and papers found on board, and one copy of the sworn certificate mentioned in the preceding paragraph of this Article, shall be sent and delivered to the proper Mixed Court of Justice at the earliest possible moment.

The undersigned Plenipotentiaries have agreed, in conformity with Article XI of the Treaty signed by them on this day, that the present instructions shall be annexed to the said Treaty, and be considered an integral part thereof.

Done at Washington, the 7th day of April, in the year of our Lord 1862.

(L.S.) LYONS.

(L.S.) WILLIAM H. SEWARD.

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ANNEX B.—*Regulations for the Mixed Courts of Justice.*

ART. I. The Mixed Courts of Justice to be established under the provisions of the Treaty, of which these regulations are declared to be an integral part, shall be composed in the following manner:

The two High Contracting Parties shall each name a judge and an arbitrator, who shall be authorized to hear and to decide, without appeal, all cases of capture or detention of vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them.

The judges and the arbitrators shall, before they enter upon the duties of their office, respectively make oath before the principal magistrate of the place in which such courts shall respectively reside, that they will judge fairly and faithfully; that they will have no preference either for claimant or for captor; and that they will act in all their decisions in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such courts a secretary or

registrar, who shall be appointed by the party in whose territories such court shall reside.

Such secretary or registrar shall register all the acts of the court to which he is appointed; and shall, before he enters upon his office, make oath before the court, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his office.

The salaries of the judges and arbitrators shall be paid by the Governments by whom they are appointed.

The salary of the secretaries or registrars of the two courts to be established in the territories of Great Britain shall be paid by Her Britannic Majesty; and that of the secretary or registrar of the court to be established in the territories of The United States shall be paid by The United States' Government.

Each of the two Governments shall defray half of the aggregate amount of the other expenses of such courts.

II. The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, negroes, and cargo, and with the execution of the sentence, and all disbursements occasioned by bringing a vessel to adjudication, shall, in case of condemnation, be defrayed from the funds arising out of the sale of the materials of the vessel, after the vessel shall have been broken up, of the ship's stores, and of such parts of the cargo as shall consist of merchandize. And in case the proceeds arising out of this sale should not prove sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captor, except in the cases specified and otherwise provided for under Article VII of the Treaty to which these Regulations form an Annex, and under Article VII of these Regulations.

III. The Mixed Courts of Justice are to decide upon the legality of the detention of such vessels as the cruizers of either nation shall detain, in pursuance of the said Treaty.

The said courts shall adjudge definitively, and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of the courts shall take place as summarily as possible; and for this purpose the courts are required to decide each case, as far as may be practicable, within the space of 20 days, to be dated from the day on which the detained vessel shall have been brought into the port where the deciding court shall reside.

The final sentence shall not, in any case, be delayed beyond the period of two months, either on account of the absence of witnesses,

or for any other cause, except upon the application of any of the parties interested; but, in that case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks of the delay, the courts may, at their discretion, grant an additional delay, not exceeding 4 months.

Either party shall be allowed to employ such counsel as he may think fit, to assist him in the conduct of his cause.

All the acts and essential parts of the proceedings of the said courts shall be committed to writing and be placed upon record.

IV. The form of the process, or mode of proceeding to judgment, shall be as follows:

The judges appointed by the two Governments respectively shall, in the first place, proceed to examine the papers of the detained vessel, and shall take the depositions of the master or commander, and of two or three, at least, of the principal individuals on board of such vessel; and shall also take the declaration on oath of the captor, if it should appear to them necessary to do so, in order to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulation of the aforesaid Treaty, and in order that, according to such judgment, the vessel may be condemned or released. In the event of the two judges not agreeing as to the sentence which they ought to pronounce in any case brought before them, whether with respect to the legality of the detention, or the liability of the vessel to condemnation, or as to the indemnification to be allowed, or as to any other question which may arise out of the said capture; or in case any difference of opinion should arise between them as to the mode of proceeding in the said court, they shall draw by lot the name of one of the two arbitrators so appointed as aforesaid, which arbitrator, after having considered the proceedings which have taken place, shall consult with the two judges on the case; and the final sentence or decision shall be pronounced conformably to the opinion of the majority of the three.

V. If the detained vessel shall be restored by the sentence of the court, the vessel and the cargo, in the state in which they shall then be found (with the exception of the negroes found on board, if such negroes shall have been previously disembarked under the provisions of Article IV and V of the Instructions annexed to the Treaty of this date), shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same court, claim a valuation of the damages which he may have a right to demand. The captor himself, and, in his default, his Government, shall remain responsible for the damages to which the master of such vessel, or the owners either of the vessel or of her cargo, may be pronounced to be entitled.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the court; it being mutually agreed, that such costs and damages shall be paid by the Government of the country of which the captor shall be a subject.

VI. If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be, with the exception of the negroes who shall have been brought on board for the purpose of trade; and the said vessel, subject to the stipulations in Article VIII of the Treaty of this date, shall, as well as her cargo, be sold by public sale for the profit of the two Governments, subject to the payment of the expenses hereinafter mentioned.

The negroes who may not previously have been disembarked, shall receive from the court a certificate of emancipation, and shall be delivered over to the Government to whom the cruizer which made the capture belongs, in order to be forthwith set at liberty.

VII. The Mixed Courts of Justice shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said courts; and in all cases wherein restitution of such vessels and cargoes shall be decreed, save as mentioned in Article VII of the Treaty to which these Regulations form an Annex, and in a subsequent part of these Regulations, the court shall award to the claimant or claimants, or to his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention: and it is agreed that the indemnification shall be as follows:

First. In case of total loss, the claimant or claimants shall be indemnified,

(A.) For the ship, her tackle, equipment, and stores.

(B.). For all freights due and payable.

(C.) For the value of the cargo of merchandize, if any, deducting all charges and expenses which would have been payable upon the sale of such cargo, including commission of sale.

(D.) For all other regular charges in such case of total loss.

Secondly. In all other cases (save as hereinafter mentioned) not of total loss, the claimant or claimants shall be indemnified,

(A.) For all special damages and expenses occasioned to the ship by the detention and for loss of freight, when due or payable.

(B.) For demurrage when due, according to the schedule annexed to the present Article.

(c.) For any deterioration of the cargo.

(d.) For all premium of insurance on additional risks.

The claimant or claimants shall be entitled to interest at the rate of 5 per cent. per annum on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs. The whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be liquidated at the exchange current at the time of the award.

The two High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the judges of the two nations, and without having recourse to the decision of an arbitrator, that the captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel in that case shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present Article, nor any other compensation for losses, damages, or expenses consequent upon such detention.

*Schedule of demurrage, or daily allowance for a vessel of*

100 tons to 120 inclusive, £5 per diem.

121	„	150	„	6	„
151	„	170	„	8	„
171	„	200	„	10	„
201	„	220	„	11	„
221	„	250	„	12	„
251	„	270	„	14	„
271	„	300	„	15	„

and so on in proportion.

VIII. Neither the judges nor the arbitrators, nor the secretaries or registrars of the Mixed Courts of Justice, shall demand or receive from any of the parties concerned in the cases which shall be brought before such courts, any emolument or gift, under any pretext whatsoever, for the performance of the duties which such judges, arbitrators, and secretaries or registrars, have to perform.

IX. The two High Contracting Parties have agreed that, in the event of the death, sickness, absence on leave, or on any other legal impediment, of one or more of the judges or arbitrators composing the above-mentioned courts respectively, the post of such judge or arbitrator shall be supplied, *ad interim*, in the following manner:

1st. On the part of Her Britannic Majesty, and in those courts which shall sit within the possessions of her said Majesty: if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or in case the vacancy be originally that of the British arbitrator, the place of such arbi-



trator shall be filled by the Governor or Lieutenant-Governor resident in such possession ; in his unavoidable absence, by the principal magistrate of the same ; or in the unavoidable absence of the principal magistrate, by the Secretary of the Government ; and the said court, so constituted as above, shall sit, and in all cases brought before it for adjudication shall proceed to adjudge the same, and to pass sentence accordingly.

2ndly. On the part of Great Britain, and in that court which shall sit within the territories of The United States of America : if the vacancy be that of the British judge, his place shall be filled by the British arbitrator ; and either in that case, or in case the vacancy be originally that of the British arbitrator, his place shall be filled by the British Consul, or in the unavoidable absence of the Consul, by the British Vice-Consul ; and in case the vacancy be both of the British judge and of the British arbitrator, then the vacancy of the British judge shall be filled by the British Consul, and that of the British arbitrator by the British Vice-Consul. But if there be no British Consul or Vice-Consul to fill the place of British arbitrator, then The United States' arbitrator shall be called in, in those cases in which the British arbitrator would be called in ; and in case the vacancy be both of the British judge and of the British arbitrator, and there be neither British Consul nor Vice-Consul to fill, *ad interim*, the vacancies, then The United States' judge and arbitrator shall sit, and in all cases brought before them for adjudication shall proceed to adjudge the same and pass sentence accordingly.

3rdly. On the part of The United States, and in that court which shall sit within their territories : if the vacancy be that of The United States' judge, his place shall be filled by The United States' arbitrator ; and either in that case, or in case the vacancy be originally that of The United States' arbitrator, the place of of such arbitrator shall be filled by the judge of The United States' for the southern district of New York ; and the said Court, so constituted as above, shall sit, and in all cases brought before them for adjudication shall proceed to adjudge the same, and pass sentence accordingly.

4thly. On the part of The United States of America, and in those courts which shall sit within the possessions of Her Britannic Majesty : if the vacancy be that of The United States' judge, his place shall be filled by The United States' arbitrator ; and either in that case, or in case the vacancy be originally that of The United States' arbitrator, his place shall be filled by The United States' Consul, or in the unavoidable absence of the Consul by The United States' Vice-Consul. In case the vacancy be both of The United States' judge and of The United States'



arbitrator, then the vacancy of the judge shall be filled by 'The United States' Consul, and that of The United States' arbitrator by The United States' Vice-Consul. But if there be no United States' Consul or Vice-Consul to fill the place of The United States' arbitrator, then the British arbitrator shall be called in, in those cases in which The United States' arbitrator would be called in; and in case the vacancy be both of the United States' judge and of The United States' arbitrator, and there be neither United States' Consul or Vice-Consul to fill, *ad interim*, the vacancies, then the British judge and the British arbitrator shall sit, and, in all cases brought before them for adjudication shall proceed to adjudge the same, and pass sentence accordingly.

The chief authority of the place in the territories of either High Contracting Party where the Mixed Courts of Justice shall sit, shall, in the event of a vacancy arising, either of the judge or the arbitrator of the other High Contracting Party, forthwith give notice of the same by the most expeditious method in his power to the Government of that other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period. And each of the High Contracting Parties agrees to supply definitively, as soon as possible, the vacancies which may arise in the above-mentioned courts from death, or from any other cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with the XIth Article of the Treaty signed by them on this day, that the preceding regulations shall be annexed to the said Treaty, and considered an integral part thereof.

Done at Washington, the 7th day of April, in the year of our Lord 1862.

(L.S.) LYONS.

(L.S.) WILLIAM H. SEWARD.

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*CORRESPONDENCE respecting the Arrest and Imprisonment of a British Subject (Captain Macdonald), by the Prussian Authorities at Bonn; and the Trial of certain other British Residents in that City for Libel.\*—1860, 1861.*

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*No. 1.—Consul Crossthwaite to Lord J. Russell.—(Rec. Sept. 17.)*  
 MY LORD, *Cologne, September 15, 1860.*

I AM requested to transmit the inclosed letter to your Lordship from Captain G. Macdonald, a British subject, at present confined in the jail at Bonn.

\* Laid before Parliament, 1861.

I have been engaged during two days investigating the matter, and endeavouring to induce the authorities to accept bail for the Captain's appearance.

The statement made by Mr. Macdonald is in accordance with the reports which are circulated with respect to the occurrence, and it appears that he was undoubtedly justified in endeavouring to retain possession of his own and of his friends' places in the railway carriage, in consequence of which he has undergone so much suffering.

I have sent a full report of the proceedings to Lord Bloomfield, and have called his Lordship's attention to the fact that Captain Macdonald had already been in jail four days, and that up to 4 o'clock this afternoon the "Verwahrungs-Befehl," or warrant for his detention, had not been received by the governor of the prison. According to the law of Prussia, any individual arrested by the police must be examined by the Juge d'Instruction, who must sign the warrant ("Verwahrungs-Befehl") within 24 hours at the latest. In this instance a British subject has been deprived of his liberty without the formality of the law being fulfilled.

The trial of Captain Macdonald is to come on, as I understand, on Tuesday next, when I purpose attending to watch the proceedings.

I have, &c.

Lord J. Russell.

G. F. CROSTHWAITE.

*(Inclosure.)—Captain Macdonald to Lord J. Russell.*

*The Prison, Bonn, on the Rhine, Prussia,*

MY LORD,

*Saturday, September 15, 1860.*

MAY I beg your attention to the following facts? I will state them as briefly as possible, in the hope that you will lay them before the Queen.

I started from Mayence last Wednesday, with my sister-in-law, her husband, nurse, and child. When the train stopped at Bonn, the gentleman and nurse and child got out for some refreshment. Some strangers came into the carriage, then a gentleman and lady got in, thus filling the carriage. I told him, in French, that the two places next the door were taken, pointing to them. My sister told him so in German, but he did not move. I then called the conductor, and told him, and when my friend and the nurse came up I pointed them out to the gentleman who had taken our places. He became most insolent. I told him he must move, pushing him lightly on the shoulder, whereupon the railway official came furiously up to me to pull me out. I pushed him back, and was immediately seized by 3 or 4 men who had entered the carriage.

from the opposite door, and thrown out of the door on to the platform. The lady who was with me was also treated in a very rough manner.

After the train went off, and we were in the telegraph office, the same railway official came pushing up to me (without any provocation), in the most insolent manner. I pushed him back, and was immediately surrounded by all the officials of the place, and treated, shaken, in a most savage manner. Being by myself I was entirely at their mercy.

I was taken before a police officer, accused of striking and kicking the railway people, and marched off to prison, where I was searched, all my money, watch, &c., taken from me, and locked up in a cell. I could not get anything to eat (though I had not tasted food since that morning), and in the morning when I again asked for food, they brought me some stuff which (when I tried to eat it) made me sick.

The next day, some officials came to me, and they took down what I had to say (through an interpreter), and told me I should be put on my trial perhaps next Tuesday, but they could not say for certain. In the meantime I am kept a close prisoner here, only allowed to see any one for half-an-hour in a day, and that in presence of the Governor, and even that indulgence requires a special order.

Our Consul came to see me yesterday. He says the punishment of the offence I am charged with must be imprisonment, the least a fortnight, and the most two years, and that they will not take into account the punishment I am now undergoing; that I have no chance of justice, as the officials of the railway all pull together, and no one can speak for me, as the train at once went off.

But the principal person here told the Consul you can claim me as an English subject, and Member of Her Majesty's Household (which I am), and thus put an end to the matter.

Our Consul has advised me to write this letter to you. If I was in an English prison, with cleanliness about me, I would not ask you to lay this, my humble request, before Her Majesty, as I have no desire to seek notoriety; but being locked up every night in a chilly cell, in a foreign land, not understanding their language, with other prisoners, and their dirty habits, is no small punishment to an English officer and gentleman, and so I take the liberty of troubling your Lordship with this unavoidably long letter. If I am treated thus before I am even tried, how shall I be treated when condemned? I would willingly undergo any punishment if there was any chance of bringing the fellows to justice, but I am told there is not the slightest. I state, upon my honour, that I did not strike the man, for two reasons, 1st, because I know how jealous foreigners

are about a blow, and, 2ndly, because my sister was with me, who would have fainted at the sight of a blow.

I have, &c.

G. V. MACDONALD, *Eron,*  
*H.M.'s Royal Body Guard of the Yeomen of the Guard,*  
*Lord J. Russell.* *and late Captain 19th Regiment.*

P.S.—My offence is simply against the railway people, and not against the police, so that they have no interest in detaining me.

The Governor is as civil as his duty will permit, but I am much too proud to ask for any indulgence not willingly accorded.

G. V. M.

*No. 2.—Lord Bloomfield to Baron Schleinitz.*

M. LE BARON,

*Berlin, September 17, 1860.*

I REGRET to be under the necessity of appealing to the Prussian Government to interfere in behalf and for the protection of a British subject, who appears to be unjustly detained in prison at Bonn, on a complaint of the railway officials of that place.

Captain Macdonald, late of the 19th Regiment, and now an officer of the Queen's Household, arrived on the 12th instant by the train from Mayence, accompanied by his sister-in-law, her husband, nurse and child, at Bonn, when all the party got out of the carriage to get some refreshment, except Captain Macdonald. Some strange people got into it, and subsequently a lady and gentleman filled the carriage. Captain Macdonald pointed to the seats which had been occupied by the last comers, and told them that they were engaged. These last comers appear to have been Dr. and Mrs. Parow, of Bonn, and they refused to move, and upon Captain Macdonald's touching the gentleman lightly on the shoulder, and repeating his request, Dr. Parow become very insolent, and the guard of the train came up and endeavoured to pull Captain Macdonald out of the carriage.

This, of course he resisted, whereupon several men dragged him forcibly out of the carriage, and treated the lady who accompanied him in a very rough and unbecoming manner.

He was then, it appears, accused, before a police officer, of ill-treating the railway officials, and taken off to prison, where he still remains.

It seems that, according to the law of Prussia, an investigation of any similar case should take place before the Juge d'Instruction within 24 hours at latest after the arrest, and a warrant be issued for the further detention of the prisoner; and I have to observe to your Excellency that Captain Macdonald was arrested on Wednesday afternoon, and that up to Saturday evening no such warrant was issued, according to the information received by Mr. Crossthwaite,

Her Britannic Majesty's Consul at Cologne, who had proceeded to Bonn to investigate the case, and, on requesting the Governor of the jail to produce the warrant ("Verwahrungs-Befehl") he was unable to do so, and replied that he had no warrant; that the prisoner was delivered to him by the police.

I must, therefore, conclude that the detention of Captain Macdonald was illegal, and I have the honour to request that your Excellency will cause a full investigation to be made of this affair, and inclose for your information the copy of a letter which I have received from Captain Macdonald, giving an account of the occurrence, in which he states upon his honour that he never struck any of the railway officials, although he may, under great provocation, have slightly pushed them, and I have further to request your Excellency to cause steps to be taken that will lead to the early release of Captain Macdonald from his present state of confinement.

I have, &c.

*Baron Schleinitz.*

BLOOMFIELD.

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*No. 3.—Lord Bloomfield to Baron Schleinitz.*

M. LE BARON,

*Berlin, September 21, 1860.*

IN acknowledging the receipt of the note, dated this day, in which your Excellency informs me of the release of Captain Macdonald, I beg to express my cordial thanks for the promptitude with which you have been so good as to convey this intelligence to me.

Since addressing to your Excellency my note of the 17th instant, I have received from Captain Macdonald a detailed account of the whole transactions in this case, including the incidents of the trial, together with a protest against the proceedings in question, formally entered by him before Her Majesty's Consul at Cologne. I have the honour to inclose herewith, for your Excellency's information, copies of these documents.

A perusal of the clear and lucid statement contained in them cannot but remove all doubt as to the nature of the proceedings of which Captain Macdonald has been the victim. The aggrieved party, both by the unwarranted seizure of the seats belonging to his companions and by the insulting language used by the intruder, Captain Macdonald is forcibly ejected from the carriage which he and his friends had occupied from Mayence, and to which, according to all rules of railway travelling, he possessed an undoubted right. The only charge that can be possibly brought against him is, that he attempted to resist this forcible ejection; that this resistance, however, was of a merely passive kind, and unaccompanied by blows or other aggressive action, is not only vouched for upon his word of honour by Captain Macdonald himself, but is corroborated by the

perfectly unbiassed testimony of two German witnesses. Not content with his ejection, the violence of the railway officials continues after he is out of the carriage; he is thrown with force to the ground, and the ill-treatment, of which he is the object, is extended to his sister-in-law, the lady by whom he is accompanied. By the railway officials Captain Macdonald is handed over to the police, and lodged in the common jail, with all the ignominious formalities used in the case of an ordinary felon. Contrary to what I have been distinctly given to understand is the admirable safeguard provided by the Prussian law to protect individual liberty, and which renders all detention illegal after 24 hours, except upon the formal warrant of a magistrate, Captain Macdonald remains several days in jail without such warrant having been made out. After 6 days' incarceration he is at last brought to trial, and the opportunity afforded him of stating his case.

It would be, of course, wholly irrelevant on my part to criticise the proceedings in a Prussian law court; but what, I may be allowed to ask, would be the impression left upon an unbiassed spectator by the scene enacted at Bonn on the 18th instant? A stranger, wholly ignorant of the laws of the country in which he finds himself, is brought up for trial upon a most serious charge, involving a possible penalty of two years' imprisonment. To make his case known to his judges, an interpreter is appointed, who turns out to be totally unacquainted with the language he is called upon to interpret. No witnesses are cited to substantiate the charge, the only evidence for the prosecution being that of the railway inspector, whose testimony, as that of the aggressor in the case, is necessarily totally valueless; whilst, for some unaccountable reason, Dr. Parow, the original cause of all the disturbance, who, if any one deserved the punishment due to the creators of such disturbances, is never even summoned before the Court. The Public Prosecutor, however, an officer of the Crown, endeavours by the virulence of his oratory to make up for the deficiency of his proofs, and not content with personal remarks of an apparently most severe kind upon the prisoner he includes in his passionate vituperation the whole class of British subjects resident or travelling abroad, and that in terms which, unless my knowledge of the German language wholly fails me, were singularly inconsistent with the dignity of a court of law.

As might have been expected under the circumstances, the case breaks down. Captain Macdonald is found innocent of the charges brought against him; but, instead of the reparation for the gross ill-usage to which he had been subjected, on some ground as yet unexplained, the Court fines him 20 thalers and the costs; that is to say, for an offence as yet unspecified, but of so trivial a kind as to be measured by a minimum fine, a British subject is submitted for

the space of 6 days to incarceration in a common jail, and to the treatment of a common felon.

I feel that any comment upon transactions such as these would be entirely superfluous. Moreover, the long and intimate intercourse which has subsisted between your Excellency and myself, and the knowledge I have acquired of the high sentiments of justice and equity which animate your Excellency and the Government of His Royal Highness the Prince Regent, leave no room for me to doubt that you will, in the fullest measure, share the feelings of pain and indignation with which the perusal of these extraordinary proceedings has filled me, and I have the fullest confidence that your Excellency will, with the same promptitude which you have already shown in the case, hasten to obtain the reparation due to Captain Macdonald for the grievous injury he has suffered.

I avail, &c.

*Baron Schleinitz.*

BLOOMFIELD.

*No. 4.—Consul Crossthwaite to Lord J. Russell.—(Rec. Sept. 23.)*  
MY LORD, *Cologne, September 21, 1860.*

WITH reference to my despatch of the 15th instant, I have the honour to report to your Lordship that Captain Macdonald was brought up for trial before the criminal police court at Bonn, on Tuesday last, and, although acquitted of the charge made against him, he had to pay a fine of 20 thalers and costs, or to suffer an imprisonment of 8 days. The fine and costs were paid, and Captain Macdonald was restored to liberty.

A full report of the proceedings has been forwarded to Lord Bloomfield; and as there can be no doubt that the principles of international law have been violated in the person of Captain Macdonald, the Prussian Government cannot fail to do justice to this gentleman's claims. I transmit herewith a translation of an able advocate's opinion, respecting the four principal points of reclamation.

I have, &c.

*Lord J. Russell.*

G. F. CROSTHWAITE.

*(Inclosure.)—Opinion.*

*(Translation.)*

IN the affair of Captain Macdonald, the following circumstances justify the English nation in claiming an indemnity from the Prussian Government:

1. That Captain Macdonald was kept in prison from 12th till the 18th of September, 1860, although a warrant signed by the Juge d'Instruction had not been delivered to him within 24 hours after his arrest, as required by the Prussian Constitution and the Rhenish Criminal Law.



2. That the State Procurator, Möller, did not instantly order the liberation of Captain Macdonald after the 14th of September, 1860, and even refused to the British Consul, who offered to deposit bail to any amount, to release the said Captain Macdonald, although he (the State Procurator) knew very well that no Juge d'Instruction was present at the examination, and that the prisoner could not be deprived of his personal liberty according to law.

3. That the State Procurator, Möller, has insulted the English nation (in general) travelling on the Continent.

4. That the station-master Hoffman, upon the one-sided request, and upon the assertions, founded upon untruth, of Dr. Parow, took upon himself to remove Captain Macdonald from the seat which was appropriated to him for the journey from Mayence to Cologne, instead of giving another disengaged place to Dr. Parow, whom he knew personally, and was, therefore, well aware that he only just got into the train at Bonn, and further, that he persisted in the rudest manner, and with the most brutal force, in carrying out his unjustifiable decision.

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*No. 5.—Lord J. Russell to Lord Bloomfield.*

MY LORD,

*Coburg, September 28, 1860.*

I HAVE the satisfaction to inform your Lordship that your conduct in the case of Captain Macdonald is entirely approved.

Your Lordship is directed to press for reparation for this gross outrage. Unless it is obtained, it is obvious that any British subject travelling by railway may be ejected capriciously from the carriage in which he is travelling, and, if he should resist, may be confined in a prison, with felons, for 4 days without trial or inquiry.

It is impossible to believe that the Prussian Government intend to treat in this manner the subjects of a friendly Sovereign, still less that they can sanction their law officer in a calumnious attack on the whole British nation.

Your Lordship is so well acquainted with all the particulars of this case that I leave it in your hands, requesting you to inform me when the Prussian Government have made up their minds as to the reparation they mean to offer.

I am, &c.

*Lord Bloomfield.*

J. RUSSELL.

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*No. 6.—Lord Bloomfield to Earl Russell.—(Rec. at Coburg, Oct. 2.)*

MY LORD,

*Berlin, September 29, 1860.*

WITH reference to my despatch of the 22nd instant, transmitting the copy of a note which I had addressed to the Prussian Government on the subject of the late imprisonment of Captain Macdonald, I have now the honour to inclose for your Lordship's further information, in translation, a protest signed by some of the English



inhabitants of Bonn against the foul aspersions cast upon Her Majesty's subjects travelling on the Continent by the Staats-Procurator Möller, and also an extract of a letter from Her Majesty's Consul at Cologne of the 25th instant.

This letter incloses an advertisement by the Ober-Procurator von Ammon, in the "Cologne Gazette," inserted for the purpose of misleading public opinion respecting the protest of the English.

I have likewise the honour to inclose the translation of an explanatory statement which the English inhabitants of Bonn desired to have circulated by the press in answer to M. von Ammon, but which the Cologne paper refused to print, unless a signature were attached to it, being evidently afraid of incurring the displeasure of the Prussian Government.

I beg further to inform your Lordship that I have delivered a copy of this paper to Baron Schleinitz, stating that the press of Cologne declined inserting it.

Having been assured, when at Cologne on Sunday last, that the Ober-Procurator at Bonn had instituted legal proceedings against the subscribers to the protest against Möller, and that such a step was considered illegal by Captain Macdonald's counsel, and ought to be postponed until the inquiry into M. Möller's conduct was closed, I addressed the telegram (of which a copy is herewith sent) to Mr. Lowther, who lost no time in forwarding it to Baron Schleinitz.

I regret, however, to say that this communication has had no effect in arresting the proceedings, and I have been since informed by his Excellency that the 159th paragraph of the Straf-Gesetz-Buch, of which the following is a translation: "If the facts that have been averred and disseminated are punishable offences, and if they have been reported to the proper authorities, then procedure and judgment as to libel must be suspended, until it shall either have been decided that no investigation be made, or until the termination of the investigation," is inapplicable to the present case. He also stated that the practice of the law of Prussia, of which we complain, as to the delay in issuing the warrant for the further detention of Captain Macdonald after his arrest, had not been departed from, and that all the proceedings, as far as they had yet been examined, were in conformity with the laws of this country.

I have, &c.

Lord J. Russell.

BLOOMFIELD.

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(Inclosure.)—*Protest of English Residents at Bonn.*

WE, the undersigned English inhabitants of Bonn, beg to protest against the assertion made by the Staats-Procurator Möller, on Tuesday, the 15th instant, during the public sitting of the police

court, that "the English residing and travelling on the Continent were notorious for the rudeness, impudence, and blackguardism of their conduct" ("Anmassung, Unverschämtheit, und Lümmelei").

We may not have reached the height of refinement and proper feeling on which the Staats-Procurator stands (we are but Englishmen), but we cannot understand how a Representative of the Prussian Crown could be so far carried away by his private feelings of hatred as to insult a whole nation to which the Consort of the Crown Prince belongs. Our Royal Princess is an "Englishwoman residing on the Continent." Our Queen will soon be "an Englishwoman travelling on the Continent!" Must they too quietly allow themselves to be dragged out of a railway-carriage by the railway servants, called "dummes Volk und Flegel," by Orthopädic Physicians; or, if they defend themselves, be thrust into a dirty jail for a week, and be then brought out to be told that they are "rude and impudent blackguards" by the Attorney-General of the Crown?

Is the conduct of the many respectable English families who live in Bonn, as peaceably as the feeling which the Staats-Procurator tries to rouse against them will allow, of such a kind as to deserve so uncalled-for and cowardly an attack on the whole British nation?

What would be thought of an English Attorney-General of the Crown who should stand up in Court and denounce all the German residents in London and Manchester as "rude and impudent blackguards?"

J. S. M. ANDERSON, *British Chaplain.*

WALTER C. PERRY.

P. J. H. BADDELEY.

E. RAPP.

G. M. CUMBERLAND, *Major.*

C. J. OLDFIELD, *Lieut.-Colonel.*

MORTIMER PERRY DRUMMOND.

FRANCIS P. WASHINGTON.

G. C. E. ROCHFORD.

GEORGE WILLIAMS.

C. T. THURSTON.

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(Inclosure 2.)—*Consul Crossthwaite to Lord Bloomfield.*

(Extract.)

*Cologne, September 25, 1860.*

I now beg to call your Lordship's attention to the advertisement inserted by the Ober-Procurator von Ammon in No. 265 of the "Colnische Zeitung" of the 23rd instant, to which no reply can be inserted in any of the newspapers.

This explanatory notice, as it is called, is likely to mislead, inasmuch as great stress is laid upon most unimportant data, while the chief point, that is, the warrant of detention, or "Verwahrungs-

Befehl," is not alluded to. Now, this warrant had not been issued so late as 4 o'clock P.M. on the 15th instant.

The Ober-Procurator further says, that the prisoner was examined by the Juge d'Instruction. This ought to be proved. He was examined, but by an under officer, and, as no warrant was issued, the detention was illegal.

I understand that the Ober-Procurator has already commenced proceedings against Dr. Perry, one of the persons who signed the protest against the State Procurator; but as ere this your Lordship will have made application to apply the 159th paragraph of the Criminal Code, I hope that the preliminary proceedings will be inhibited until the proper inquiry into Möller's conduct be finished.  
*Lord Bloomfield.* G. F. CROSSTHWAITE.

(Inclosure 3.)—*Extract from the "Cologne Zeitung" of September 23, 1860.*  
 (Translation.)

THE communication contained in No. 263 of the "Cologne Gazette," stating that a Captain Macdonald had been arrested by the railway police, on the 12th of this month, for not conforming to the directions of the railway officials, and not only kept in custody, but that the courts had not chosen to hear him until the 16th September, is, especially as regards the latter part of the statement, not true. Macdonald was arrested for having, he being a foreigner, assaulted and insulted the station-master in the discharge of his functions, on the 12th instant. His case was heard by the Juge d'Instruction; on the 14th, the examination of witnesses took place, and on the 15th the "Strafraths-Kammer" referred the case of the accused to the Tribunal of Correctional Police, and on the 16th instant the sentence of the court was pronounced.

VON AMMON, *Chief Prosecutor.*

The protest that appeared in No. 263 of the "Cologne Gazette" by several English inhabitants of Bonn, against the expressions used by the Public Prosecutor, Möller, in the sitting of the Tribunal of Correctional Police (not police court) of the 18th instant (not the 17th), are founded, as far as I have been able to ascertain, on an incorrect representation of the case.

VON AMMON, *Chief Prosecutor.*

(Inclosure 4.)—*Explanatory Statement by the English Residents at Bonn, which the "Cologne Zeitung" refused to publish.*  
 (Translation.)

THE Public Prosecutor, von Ammon, in Bonn, has published two reports bearing date the 21st instant, which are calculated to mislead public opinion out of Bonn.

What is especially remarkable about the first report concerning the arrest of Captain Macdonald is, that while several unimportant dates are therein mentioned, that of the warrant issued against the Captain is not mentioned at all. The warrant was, namely, not issued until the 15th instant, nor was it handed over to the Governor of the jail until after 4 o'clock in the afternoon of the same day.

The second report, having reference to a protest made by several English residents in Bonn, against the attacks of the Public Prosecutor, Möller, is hardly to be understood, as there is but one feeling in Bonn, namely, of reprobation of Möller's conduct, there being more than 30 witnesses who are ready to confirm the facts mentioned in the protest.

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*(Inclosure 5.)—Lord Bloomfield to Mr. Lowther.*

*(Telegraphic.)*

*Cologne, September 23, 1860, 3 P.M.*

THE Ober-Procurator at Bonn has instituted proceedings against Perry for inserting in Bonn newspaper the protest of the English against Möller.

Proceedings ought to be delayed until inquiry into Möller's conduct is closed. I understand that the 159th paragraph of the "Straf-Gesetz-Buch" declares, that any matter arising out of a previous subject of litigation cannot be proceeded with until that previous matter is determined.

It is to be hoped, for the ends of truth and justice, that the witnesses against Möller be examined on oath, and selected from amongst the numerous persons present and listening to the trial.

Pray communicate immediately with Baron Schleinitz.

*W. Lowther, Esq.*

BLOOMFIELD.

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*No. 10.—Lord Bloomfield to Baron Schleinitz.*

M. LE BARON,

*Berlin, October 2, 1860.*

DURING my absence from Berlin on the 24th ultimo, Mr. Lowther had the honour to deliver to your Excellency the copy of a telegram which I had addressed to him on the subject of proceedings connected with and resulting from the late trial and unjustifiable detention of Captain Macdonald during 6 days, in the common jail at Bonn, and to save the trouble of reference I beg to inclose a copy of this telegram.

I had expected that some consideration would have been bestowed upon that part of it, in which I state, "It is to be hoped for the ends of truth and justice that the witnesses against Möller be examined on oath," and I now learn with regret, that in the course of the preliminary proceedings which are going on against the English for a libel, the judge ("Instructions-Richter") in his

examination of witnesses, has given evidence of unmistakeable partiality for the cause of Möller, and has actually declared to one of the parties examined, that the only good that might result from the production of witnesses would be an abatement of punishment; thus assuming, before the trial, that the parties accused are guilty; adding, that the English could not bring an action against Möller, who, as a representative of the Crown, can only be called to account by his superiors.

Under these circumstances, and with a view to elicit the truth, I have to request your Excellency to urge the immediate transmission of orders to Bonn, that the witnesses against Möller be sworn, and their evidence taken in open court, and not in private, as I understand is the intention of the judges.

A refusal of the Prussian Government to allow the testimony of witnesses to be given in public, cannot fail to be considered by the Queen's Government as a denial of justice to Her Majesty's subjects.

I have, &c.

*Baron Schleinitz.*

BLOOMFIELD.

*No. 11.—Lord Bloomfield to Baron Schleinitz.*

M. LE BARON,

*Berlin, October 3, 1860.*

I DIRECTED Her Majesty's Consul at Cologne, some days ago, to employ a confidential person to make notes of the proceedings about to take place in the law court at Bonn against some of the English residents there, who are accused of libel; and I have just learned, with regret, from Mr. Crossthwaite, that he has reason to fear such person will not be permitted to do so, unless authority is previously obtained from here.

I shall, therefore, be much obliged to your Excellency to procure the authority that seems to be required in this case.

I avail, &c.

*Baron Schleinitz.*

BLOOMFIELD.

*No. 12.—Lord Bloomfield to Lord J. Russell.—(Rec. at Coburg, Oct. 5.)*

MY LORD,

*Berlin, October 4, 1860.*

WHEN I was with Baron Schleinitz to-day, we had some conversation respecting the late imprisonment of Captain Macdonald; but I could not discover that the Prussian Government have taken any decision as to the degree of blame to be attached to the proceedings of the State Prosecutor Möller. His Excellency seemed, I regret to say, more disposed than before to place the conduct of that officer beyond legal censure, and said, with reference to the severe blame to which I declared his refusal of the bail offered by the Consul exposed him, that it must not be forgotten M. Möller was directing a prosecution against a man whose punishment, if the

charge were proved, might amount to two years' imprisonment, while he seemed desirous to pass over the more gross acts of brutality and persecution which had been perpetrated against this English gentleman from the moment that he fell into the hands of the police, and to forget altogether the insult offered to the British nation by M. Möller in his speech on opening the prosecution, and which, moreover, was pronounced in the presence of Her Majesty's Consul.

I reminded his Excellency of all this, when he said that M. Simons, the Minister of Justice, still considered a reprimand would be sufficient punishment, but that the approaching trial for libel might throw more light on the case, and that if proof could be brought that M. Möller's conduct was legally wrong, that proof would, of course, receive full consideration. I told his Excellency that he had seen the instructions with which your Lordship had honoured me, and I could add that I had no reason to believe that Her Majesty's Government would be satisfied with so small an amount of punishment, and that they expected to obtain reparation for the wrongs inflicted on Captain Macdonald by the punishment of Hoffman, the railway inspector, and by that of M. Möller, for the unnecessary severity he had displayed in exercising his authority, and for the gross expressions on the character of English travellers to which he had given utterance in a public Court of Justice.

I have, &c.

*Lord J. Russell.*

BLOOMFIELD.

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*No. 13.—The Rev. J. Anderson and others to Lord J. Russell.  
(Received at Coburg, October 5.)*

MY LORD, 8, *Baumschüler Allée*, Bonn, October 2, 1860.

WE, the Undersigned, being at this time English residents in Bonn, beg to address your Lordship on a subject closely connected indeed with another which has already been brought under your Lordship's notice (*viz.*, the outrage recently committed at Bonn against Captain Macdonald), but which at present only concerns ourselves, and that most seriously.

Upon the trial of Captain Macdonald, a gross and deliberate insult was cast, in public court, upon the whole British nation, by Möller, the King's Prosecutor, charging the "English travellers upon the Continent with being notorious for rudeness, impudence, and blackguardism." We could not but feel an indignant sense of the public wrong thus publicly done; and if further aggravation were needed, it is found in the painful conviction forced upon us of the unfair prejudices which had already been exhibited by this same Möller against the English before the trial; by his peremptory refusal of bail, and by expressing that refusal in terms most insult-

ing to the British Consul who offered it, and to the whole nation of which the Consul was the representative. We immediately, therefore, drew up, signed and published, a protest, of which I herewith send a copy to your Lordship.

For this act, a State Prosecution has been commenced against us for libel; and the 3 passages on which the charge of libel is attempted to be fixed, are underlined in the inclosed copy.\* We were each examined separately by the Untersuchungs-Richter upon this charge; no other person but his Secretary and an interpreter being allowed to be present. We declared ourselves "not guilty" of the charge, and our readiness not only to prove the fact of the utterance of the scandalous words of Möller, but also to justify each and all of the passages in question, if the witnesses whom we are prepared to bring forward might be allowed to give their testimony freely.

The examination of the witnesses before the Untersuchungs-Richter begins, we believe, to-morrow or Thursday; but of the day appointed for our trial we have not yet heard any tidings.

Full particulars of all that has occurred as yet upon this subject have been forwarded to Lord Bloomfield at Berlin; but we are now advised formally to acquaint your Lordship with the present state of things.

In doing so, we beg respectfully to say, that the act for which we are now prosecuted was one which, as Englishmen residing in a foreign country, we all felt bound to do; that the offence having been publicly committed, demanded not only a public but prompt exposure; that delay of any kind would have diminished the effect of our remonstrance; that our "protest," although questions of criticism may be raised upon this or that passage, was substantially true; and that we are prepared to prove to the very letter, the truth of the alleged libellous passages.

We have done, in fact, no more than your Lordship, by virtue of your present high office, would have felt it your duty to have done (however different may have been the form of doing it), as soon as you had become cognizant of the facts, viz., to strive and vindicate the British name and character from reproach.

Yet, for doing this, we are instantly brought under the rigour of a penal statute. The Prussian Government, we are assured, has directed an inquiry into the conduct of Möller; and although we have reason to believe that the inquiry has not been conducted so far in any way calculated to attain the ends of justice, yet, before the inquiry is closed, and before a witness upon our side has been examined upon oath, the Government, whose officer Möller still is, calls us to account for daring to complain.

\* The passages are printed in italics.



We regret to be obliged to trouble your Lordship with the notice of such a matter at this moment, but the urgency of the case admits of no other course. We shrink not for a moment, any one of us, from the position in which we stand, and are preparing to defend ourselves as we best can from the consequences which may follow. Meanwhile, we believe it to be our duty to bring our position immediately under your Lordship's notice, and call upon you, as Her Majesty's Secretary of State for Foreign Affairs, to take such steps as you may think fit to stay the progress of the State Prosecution which has been instituted against us.

We have, &c.

J. S. M. ANDERSON, *British Chaplain at Bonn.*

WALTER C. PERRY.

P. J. H. BADDELEY.

E. RAPP.

G. M. CUMBERLAND, *Major.*

C. J. OLDFIELD, *Lieutenant-Colonel.\**

MORTIMER PERRY DRUMMOND.

FRANCIS PALMER WASHINGTON.

G. C. E. ROCHFORD, *Colonel.*

C. T. THURSTON.

G. WILLIAMS (*not now in Bonn*).

*Lord J. Russell.*

*(Inclosure.)—Protest of English Residents at Bonn.*

WE, the undersigned English inhabitants of Bonn, beg to protest against the assertion made by the Staats-Procurator Möller, on Tuesday, the 18th instant, during the public sitting of the Correctional Police Court, that "the English residing and travelling on the Continent, were notorious for their rudeness, impudence, and backguardism of their conduct" ("Anmassung, Unverschämtheit und Lümmelei").

We may not have reached the height of refinement and proper feeling on which the Staats-Procurator stands (we are but Englishmen), but we cannot understand how a representative of the Prussian Crown could be so far carried away by his private feelings of hatred as to insult a whole nation, to which the Consort of the Crown-Prince belongs. Our Royal Princess is "an Englishwoman residing on the Continent." Our Queen will soon be "an Englishwoman travelling on the Continent!" Must, they, too, quietly allow themselves to be dragged out of a railway carriage by the railway servants, called "dummes Volk und Flegel" by Orthopædic Physicians; or, if they defend themselves, be thrust into a dirty jail for a week, and

\* Not yet examined, on account of illness.—J. S. M. A.



be then brought out to be told that they are "rude and impudent blackguards" by the Attorney-General of Crown?

Is the conduct of the many respectable English families, who live in Bonn as peaceably as *the bad feeling which the Staats-Procurator tries to rouse against them* will allow, of such a kind as to deserve so uncalled for and *cowardly an attack* on the whole British nation?

What would be thought of an English Attorney-General of the Crown, who should stand up in Court and denounce all the German residents in London and Manchester as "rude and impudent blackguards?"

J. S. M. ANDERSON, *British Chaplain*.  
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G. C. E. ROCHFORT.  
GEORGE WILLIAMS.  
C. T. THURSTON.

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No. 14.—*Lord J. Russell to the Rev. J. Anderson and others.*

GENTLEMEN,

Coburg, October 5, 1860.

YOUR letter of the 2nd only reached me this morning. Its contents will engage my earnest attention; but it is, as you must know, difficult to do more than require that the Prussian law should be fairly and impartially administered. Lord Bloomfield will watch closely the proceedings on the trial.

I am, &c.

*The Rev. J. Anderson and others.*

J. RUSSELL.

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No. 17.—*Baron Schleinitz to Lord Bloomfield.*

MILORD,

Berlin, le 9 Octobre, 1860.

J'ETAIS sur le point de communiquer à M. le Ministre de la Justice la lettre que vous m'avez fait l'honneur de m'adresser le 21 du mois passé sur l'affaire de M. le Capitaine Macdonald lorsque je reçus de la part de M. Simons deux rapports que a lui adressés dans cette affaire le Procureur du Roi à Bonn. Ces pièces ne m'ayant pas encore suffi pour porter un jugement exact sur la réclamation de M. Macdonald, j'ai cru devoir demander de plus amples informations à M. le Ministre de la Justice, et c'est aujourd'hui seulement que je me trouve en mesure de me prononcer sur cette affaire.

Voici d'abord un exposé des faits, tels qu'ils résultent du premier des dits rapports :

Le Mercredi, 12 Septembre, à 4 heures de relevée, M. le Capitaine Macdonald arriva par le chemin-de-fer de Mayence à Bonn, accompagné d'une dame, de son beau-frère avec ses enfants, et d'une nourrice. Quelques uns de ses compagnons de voyage ayant quitté momentanément leur coupé, d'autres passagers, parmi lesquels M. Parow, docteur en médecine, et sa femme, voulurent y prendre place. M. Macdonald s'y opposa, en déclarant que toutes les places étaient prises. L'Inspecteur de la gare étant survenu, et ayant appris par M. Parow que M. Macdonald avait repoussé un des voyageurs, ce que ce voyageur confirma, M. Macdonald fut invité par l'Inspecteur à descendre pour entrer dans un autre coupé qu'il voulût lui faire ouvrir. Pendant ce pourparler le beau-frère du capitaine revint et se disposa à entrer dans le coupé au moment même où l'inspecteur voulut en faire descendre M. Macdonald. Celui-ci y tira pourtant son beau-frère en donnant un coup de poing à l'inspecteur. Aussitôt d'autres employés du chemin-de-fer entrèrent dans le coupé par la portière opposée et en éloignèrent M. Macdonald. Le convoi parti, l'inspecteur de la gare l'invita à passer dans son bureau, où il lui demanda son nom, ainsi que le dépôt d'un cautionnement de 10 écus pour contravention au règlement de police. M. Macdonald rejeta l'une et l'autre demande. Conduit par devant le commissaire de police, celui-ci, après s'être informé des faits, le fit conduire à la maison d'arrêt. Dès le lendemain il fut interrogé par le substitut du Juge d'Instruction sur l'imputation d'avoir commis un acte de violence envers l'inspecteur de la gare dans l'exercice de ses fonctions. M. Macdonald contesta le fait en affirmant qu'il avait seulement fait reculer doucement l'inspecteur, lorsque celui-ci avait voulu le faire quitter son coupé. L'audition de l'inspecteur eut lieu le 14 sur la foi du serment, et le lendemain M. Macdonald fut assigné par devant le Tribunal de Police Correctionnelle, qui dans sa prochaine séance (du 18) le déclara seulement coupable d'avoir outragé l'inspecteur de la gare dans l'exercice de ses fonctions, et le condamna à une amende de 20 écus, et aux frais. M. Macdonald ayant déposé sur le champ cet argent au parquet du Procureur, il fut aussitôt mis en liberté.

Ce sont là les faits. Permettez-moi maintenant, Milord, de les faire suivre de quelques observations qui me sont suggérées par M. le Ministre de la Justice.

Vos plaintes ont un double objet :

1. Des défauts de légalité dans l'arrestation de M. Macdonald et dans la procédure qui a été observée ensuite à son égard.

2. Le procédé du Procureur du Roi, M. Möller, dans la séance du Tribunal de Police Correctionnelle du 18 Septembre.

Permettez-moi, Milord, d'examiner l'une et l'autre de ces plaintes :

**Ad. 1.** Au dire de tous les témoins, M. Macdonald, s'il n'a pas usé de voies de fait, a du moins gravement offensé l'inspecteur de la gare, qui, comme vous savez sans doute, Milord, est en Prusse un Agent de la force publique. Cet oubli de la position de l'inspecteur a été la première cause de tous les désagréments que M. Macdonald a essuyés. S'il s'était rendu d'abord à l'invitation que l'inspecteur, en sa qualité d'agent de police, était pleinement autorisé à lui adresser, et qu'il lui eût exposé ensuite ses plaintes contre le Docteur Parow et d'autres voyageurs, nul doute que l'affaire n'eût été réglée aussitôt selon ses désirs. Au lieu de cela, M. Macdonald a fait résistance à l'inspecteur et l'a obligé ainsi à faire respecter ses ordres par l'emploi de la force. Plus tard, M. Macdonald, sur la sommation de l'inspecteur de déposer un cautionnement et de décliner son nom, s'y refusa d'une manière absolue, en sorte qu'il doit s'en prendre à lui-même s'il a été conduit devant le commissaire de police, qui de son côté avait sans doute des motifs suffisants pour le faire mettre provisoirement en lieu de sûreté. Le jour même de son arrestation, M. Macdonald a été interrogé par la police, et le lendemain par le substitut du Juge d'Instruction. Les autorités compétentes ont donc pleinement satisfait à la Loi du 12 Février, 1850, relative à la garantie de la liberté individuelle. Si l'expédition formelle de mandat d'arrêt n'a eu lieu que le 15, c'est que le Juge d'Instruction lui-même, M. de Bachofen, était momentanément absent de Bonn pour affaires de service et que les substitus ne sont point autorisés à signer de pareils mandats. Pour éviter tout retard, le tribunal, par un arrêté du 15, nomma un de ses assesseurs, M. de Dusseldorf, Juge d'Instruction en remplacement de M. de Bachofen, et c'est lui qui signa le mandat d'arrêt. L'affaire a été jugée ensuite aussi promptement que possible, puisque le prononcé du jugement a déjà eu lieu le 18. L'accusé avait choisi un défenseur, et fait citer des témoins à décharge; et les dépositions de ces derniers ont engagé aussi le tribunal à le renvoyer de l'accusation d'avoir commis un acte de violence envers un agent du pouvoir dans l'exercice de ses fonctions, et à le reconnaître seulement coupable d'avoir fait un outrage à cet agent, en admettant encore des circonstances atténuantes, en sorte que M. Macdonald n'a été condamné qu'à une légère amende. Le prévenu aurait pu dès son arrestation demander son élargissement provisoire contre un cautionnement; rien ne se serait opposé alors à sa demande. Si d'autres témoins encore, notamment le Docteur Parow, qui était absent alors, n'ont pas été entendus dans cette affaire, c'est qu'on ne voulait pas prolonger l'arrestation de M. Macdonald; et certainement celui-ci n'a pas lieu de s'en plaindre, puisque l'audition d'autres témoins (à en juger par les déclarations qu'ils ont faites plus tard publiquement) n'aurait peut-être pas permis au tribunal

d'écarter l'accusation plus grave de résistance à forces ouvertes, et de ne reconnaître dans l'action de M. Macdonald qu'un simple outrage, délit qui emporte une peine plus légère.

Ad. 2. Le second rapport, dont il a été question plus haut, s'étend surtout sur le procédé du Procureur du Roi, M. Möller, dans la séance du Tribunal de Police Correctionnelle, pour laquelle M. Macdonald avait été assigné, procédée contre lequel quelques Anglais demeurant à Bonn ont cru devoir protester dans les feuilles publiques. Invité par son préposé le Procureur Supérieur, M. d'Ammon, à Bonn, à se justifier, M. Möller a déclaré qu'il ne se souvenait plus exactement des termes dont il s'était servi dans sa réponse improvisée au plaidoyer du défenseur de l'accusé ; mais que s'il a cru devoir en cette occasion frapper de blâme la conduite de certains Anglais résidant ou voyageant en Prusse, il avait été loin de vouloir généraliser ce reproche, ou l'étendre à toute la nation Anglaise. Je crois devoir ajouter que dans son rapport à M. le Ministre de Justice, M. d'Ammon rend hommage au caractère de M. Möller, ne doutant pas que tout ce qu'il avance dans sa déclaration ne soit l'exacte vérité.

Ainsi les assertions des Anglais à Bonn sont en pleine contradiction avec celles du Procureur du Roi. Quoiqu'il en soit, le Gouvernement du Roi ne veut négliger aucun moyen de constater la vérité. En conséquence, M. le Ministre de la Justice s'est décidé à procéder à une enquête disciplinaire contre M. Möller, conformément au § 23 de la Loi du 21 Juillet, 1852, et de nommer pour Commissaire du Gouvernement un Conseiller de la Cour d'Appel à Cologne. Le résultat de cette enquête sera porté à votre connaissance, Milord. En attendant, je vous prie d'être bien persuadé que la même impartialité et les mêmes principes de justice dont le Gouvernement du Roi tâche de s'inspirer dans tous ces actes lui servent aussi de règle invariable de conduite quand il s'agit de juger les plaintes élevées à la charge de ses propres employés. Si l'enquête prouve que M. Möller a agi contrairement à ses devoirs, il subira la peine établie par la loi. Mais d'autre part, vous conviendrez avec moi, Milord, qu'une pareille enquête seule, et non des articles de gazette, ou d'autres manifestations quelconques, peuvent servir à constater s'il y a lieu ou non de faire à M. Möller le reproche d'avoir manqué à ses devoirs.

Recevez, &c.

*Lord Bloomfield.*

SCHLEINITZ.

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*No. 21.—Lord Bloomfield to Lord J. Russell.—(Rec. October 22.)*  
 Mr Lord, *Berlin, October 20, 1860.*

IN Baron Schleinitz's note to me of the 9th instant on the Macdonald affair, a copy of which was forwarded to your Lordship

in my despatch of the same date, it is stated that the law enacted in 1850 for the protection of personal liberty had been adhered to, and I therefore deem it right to inclose for the information of Her Majesty's Government a copy of that law, and a translation of those paragraphs which are applicable to the case in point.

I have, &c.

*Lord J. Russell.*

BLOOMFIELD.

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(*Inclosure.*)—*Prussian Law of February 12, 1850, for the Protection*  
(*Translation.*)      *of the Freedom of the Person.*

1. THE detention of a person can only be authorized by written warrant of a magistrate, describing distinctly the nature of the charge and the accused.

2. The provisional arrest and detention of a person may take place without a judicial warrant:

1st. If the person is caught in the act of a penal offence, or pursued immediately afterwards.

2nd. If, even later, circumstances occur which render the person strongly suspected of being the originator or sharer of a penal offence, and of contemplating flight.

3. The police authorities, and other officers to whom the duty falls according to the existing laws, are empowered to exercise a watch over crimes and offences for the purpose of the foregoing arrest and detention, as also are the guard, but these last only under the circumstances described in the first paragraph of Article I.

If, under these circumstances, the offender absconds, or his intention to abscond is strongly suspected, or there is evident reason to suppose that it will not otherwise be possible to prove the identity of the person, then every private person is empowered to arrest the offender.

The arrested person must immediately be brought before one of the above-mentioned officers, in compliance with the regulations regarding provisional detention, or before an authority of the watch.

4. In every case of arrest, it is requisite to bring the accused before the magistrate who has issued the warrant for such arrest. Every one who is provisionally arrested, must be set at liberty at latest in the course of the following day, or else the forms necessary for bringing him before the State Prosecutor at the proper tribunal must be complied with. The State Prosecutor must either allow an immediate release, or else without delay invite the tribunal to give judgment upon the arrest. If any one is provisionally arrested beyond the limits of the district of the tribunal, he can demand to be brought immediately before the State Procurator of the district in which he was arrested. This latter is then empowered to release

the prisoner, in the case only of his proving that his arrest was caused by a misunderstanding, otherwise he is subject to be tried before the State Prosecutor of the proper tribunal.

5. Every one who is arrested provisionally or otherwise, must at latest in the course of the day following his being brought before the proper magistrate, be so examined, that he may be made acquainted with the facts of the charge, and may be given opportunity to explain any misunderstanding.

6. The officers, authorities, and guard, mentioned in Article III, are empowered to take persons into police charge, if the protection of such person, or the maintenance of public morality, safety, and peace, urgently require this measure. Still the persons taken into police charge, must nevertheless, at latest in the course of the following day, either be set at liberty, or the necessary steps must be taken to give them over to the competent authorities.

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*No. 23.—Lord Bloomfield to Lord J. Russell.—(Rec. October 22.)*  
**MY LORD,** *Berlin, October 20, 1860.*

**MR. MORIER**, upon his return from Bonn, having reported to me that it was considered by the Counsel employed in the case of the English protest of considerable importance that the witnesses for the defence should, equally with the accused, be submitted to the preliminary examination conducted before the Juge d'Instruction (named in this case "Untersuchungs-Richter"), I took occasion yesterday, whilst calling on Baron Schleinitz, to represent this fact to him, and his Excellency, having asked me to draw up my statement on paper in order to refresh his memory, I forwarded to him, in the course of the afternoon, the "Pro Memoriâ" of which the inclosed is a copy.

I was averse to putting this request in a more official form than that thus adopted, from the fear of appearing to be meddling directly with the details of a legal proceeding actually in course of progress before a court of law; but, on the other hand, I could but make an effort to get a decision rescinded (it was originally settled that the witnesses for the defence should be examined before the Juge d'Instruction, and only within the last few days a counter-order, as I understand, from higher authority, ruled it otherwise) which bears so unfavourably upon the interests of the accused.

The reason of this is obvious. In this preliminary examination the depositions are taken down in writing and reduced to protocol, forming thereby a substantial and definite body of evidence upon which the trial itself proceeds. At the trial the witnesses are examined *vidæ voce* only, and their depositions are not taken down. It is evident that if the depositions of the accused, which must more or less tell against them, are alone brought in as written evi-

dence before the court, whilst those of the witnesses in their favour are not, the whole trial must necessarily move upon a one-sided and *ex parte* statement.

Under these circumstances, I took the step above described which I hope will meet with your Lordship's approbation.

I have, &c.

Lord J. Russell.

BLOOMFIELD.

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(*Inclosure.*)—*Pro Memoria.*

IN the proceedings now pending at Bonn, in reference to the English protest in the Macdonald case, it is of the greatest importance that the witnesses for the defence should, equally with the accused, be examined before the Untersuchungs-Richter previously to the trial, because in this preliminary examination only, and not upon the trial, the depositions of witnesses are taken down in writing and reduced to protocol.

It was originally intended that the witnesses for the defence should be examined, but within the last few days an order from a higher authority has ruled otherwise, and the accused only are being examined, their witnesses not. The case for the defence is thereby manifestly placed at a considerable disadvantage, and, for a fair trial, it is of the utmost consequence that the new order in the matter should be revoked, and the original intention carried out, *i.e.*, that the depositions of the witnesses for the defence should be reduced to protocol before the Untersuchungs-Richter, and become available at the trial in the same way as the protocolized depositions of the accused parties themselves.

There seems to be little doubt entertained by the persons competent to judge, that if this course were followed, the facts elicited would establish so strong a case against M. Möller as would ensure the acquittal of the accused.

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No. 24.—*Lord Bloomfield to Lord J. Russell.*—(Rec. October 29.)

MY LORD,

Berlin, October 27, 1860.

WITH reference to my despatch of the 2nd instant, in which a note was inclosed requesting Baron Schleinitz to obtain the necessary authority for a competent person to be permitted to take notes during the approaching trial of British subjects for libel at Bonn, I have now the honour to forward to your Lordship copy of the reply which I have this day received from his Excellency.

It appears from this communication that the intention of Mr. Consul Crossthwaite to have a full report taken down of the coming trial is not contrary to the laws of Prussia.

I have, &c.

Lord J. Russell.

BLOOMFIELD.

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(*Inclosure.*)—*Baron Schleinitz to Lord Bloomfield.*

MY LORD,

*Berlin, le 26 Octobre, 1860.*

DANS votre office du 3 de ce mois vous avez réclamé mon entremise à l'effet de faire obtenir au Consul de Sa Majesté Britannique à Cologne l'autorisation de faire prendre, par une personne de confiance, des notes dans les audiences publiques de la procédure qui va avoir lieu à Bonn contre quelques Anglais accusés de calomnie contre le Procureur du Roi, M. Möller.

M'étant adressé, en conséquence, à M. le Ministre de la Justice, celui-ci vient de m'informer que si M. Crossthwaite craint qu'il ne soit pas permis à la dite personne de prendre de pareilles notes, cette appréhension n'est nullement fondée. En effet, il n'existe en Prusse aucune disposition législative qui défend à qui que ce soit de suivre, la plume à la main, les débats d'un procès instruit publiquement. Aussi on ignore absolument à Bonn ce qui a pu porter M. Crossthwaite à croire qu'on lui contesterait à lui-même ou à son délégué un droit que tout autre auditeur dans une séance publique peut exercer.

Je vous prie donc, Milord, de vouloir bien donner l'assurance au Consul Britannique à Bonn que son intention de faire prendre des notes du procès dont il s'agit n'est nullement contraire à la législation Prussienne, et qu'aucun employé ne l'empêchera de la remplir.

Recevez, &c.

*Lord Bloomfield.*

SCHLEINITZ.

*No. 26.—Lord Bloomfield to Lord J. Russell.—(Rec. November 5.)*

MY LORD,

*Berlin, November 3, 1860.*

WITH reference to my despatch of the 20th ultimo, in which I inclosed for your Lordship's information the copy of a "Pro Memoriâ" which I had left with Baron Schleinitz, suggesting that the witnesses for the defence in the trial for libel at Bonn should, equally with the accused, be submitted to the preliminary examination then going on before the Juge d'Instruction. I have now the honour to inclose the copy of a note which his Excellency has addressed to me on that subject.

In this note Baron Schleinitz informs me that the Minister of Justice had intended, in accordance with the requirements of section 159 of the Penal Code, to suspend the proceedings against the English until the disciplinary investigation into M. Moller's conduct had been brought to a termination. It having, however, been inferred, so his Excellency proceeds to state, from the "Pro Memoriâ" left with him, that it was the wish of the parties concerned that the proceedings should not be suspended, but that the trial should be proceeded with, the Minister of Justice had decided, in order to afford to the parties concerned every facility in his power, that such



witnesses for the defence as had not already been examined, should be so examined before M. Pelmann, the Government Commissary charged with the disciplinary inquiry into M. Moller's conduct.

I would, with reference to the foregoing, observe to your Lordship, that this is the first information that has reached me of the intention on the part of the judicial authorities to suspend (in accordance with section 159 of the Penal Code) the trial of the Englishmen charged with libel, until after the close of the inquiry instituted by the Government with reference to the conduct of M. Möller. Far from having any reason to suppose that such would be the case, I had Baron Schleinitz's distinct statement reported in my despatch of the 29th of September, to the effect that the paragraph in question was inapplicable to the present case.

The statement I unofficially made to Baron Schleinitz, and which I subsequently embodied in the "Pro Memoriâ," above referred to, was based upon a very strong expression of opinion on the part of the advocate Schöler, at Bonn, to the effect that the not taking down in the preliminary proceedings before the Juge d'Instruction of the evidence of the witnesses for the defence equally with that of the accused parties themselves, would very seriously affect the interests of the latter.

At the time that this opinion was expressed (on the 18th ultimo) it was not known at Bonn that the proceedings against the gentlemen involved in this action had been or were likely to be suspended. Nor can I conceive that it can be deduced from the wording of the "Pro Memoriâ" that I was aware of this fact, and that I expressed on behalf of the accused the wish that these proceedings should not be suspended.

In acknowledging the receipt of M. de Schleintiz's note, therefore, I guarded against this misconception, as your Lordship will perceive from the inclosed note which I have this day addressed to his Excellency.

In conclusion, I would remark that the providing for the examination before the Government Commissary of such witnesses for the defence as have not yet been examined, seems to indicate on the part of the Government a wish to act fairly by the accused.

I have, &c.

Lord J. Russell.

BLOOMFIELD.

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(Inclosure 1.)—Baron Schleinitz to Lord Bloomfield.

MILORD,

Berlin, October 31, 1860.

EN vous accusant réception du mémoire que vous avez bien voulu m'adresser le 19 de ce mois relativement au procès qui s'instruit en ce moment à Bonn contre les Anglais signataires de la protestation dans l'affaire de Mr. Macdonald, sous la prévention

d'avoir calomnié le Procureur du Roi, M. Möller, j'ai l'honneur de vous communiquer ci-dessous un aperçu des termes où se trouve actuellement ce procès.

Les prévenus affirment qu'ils n'ont dit que la vérité. La preuve de l'exactitude des faits allégués par eux serait d'une grande importance dans l'esprit des juges qui auront à connaître de cette affaire. Comme toutefois les dits faits seraient autant d'actions blâmables de M. Möller, et que le Gouvernement a ordonné déjà une enquête disciplinaire pour ces actions mêmes, M. le Ministre de la Justice avait voulu, que conformément au § 159 du Code Pénal il fut sursis à l'information contre les Anglais signataires de la susdite protestation, jusqu'à la clôture de l'enquête contre M. Möller.

Il paraît cependant, d'après le contenu du mémoire susmentionné, que cette disposition, prise dans l'intérêt même des prévenus, ne leur convient pas; qu'ils aiment mieux que les témoins proposés par eux soient entendus sur-le-champ et qu'un procès-verbal soit dressé de leurs dépositions.

Pour satisfaire à cette demande, M. le Ministre de la Justice vient d'ordonner, que pour le cas où dans l'entre-temps l'audition des témoins n'aurait pas eu lieu déjà, leurs dépositions soient recueillies dans le cours de l'enquête disciplinaire contre M. Möller par le Commissaire du Gouvernement, M. Pelmann, Conseiller à la Cour d'Appel de Cologne.

Cette décision vous procurera de nouveau la preuve, Milord, que le Gouvernement du Roi fait tout ce qui dépend de lui pour constater la vérité, et que, jaloux d'accorder aux Anglais intéressés dans cette affaire toute la protection que les lois du pays leur assurent, il n'hésite pas à se prêter à leurs désirs, autant que ces lois le permettent.

Je profite, &c.

*Lord Bloomfield.*

SCHLEINITZ.

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*(Inclosure 2.)—Lord Bloomfield to Baron Schleinitz.*

M LE BARON,

*Berlin, November 2, 1860.*

IN acknowledging the receipt of your Excellency's note of the 31st of October, I am desirous to guard against a misconception of the meaning which I intended to convey when communicating to your Excellency the "Pro Memoria" of the 19th ultimo, to which allusion is made in your present note.

The misconception I allude to is that of supposing that at the time I made this communication I was aware of the determination of the Minister of Justice to suspend the proceedings against the Englishmen involved in the libel case at Bonn until after the conclusion of the disciplinary inquiry into the conduct of M. Möller, or that I expressed the wish on the part of the parties concerned, that

this suspension of the proceedings should be waived and the trial proceeded with.

I was, on the contrary, wholly ignorant, until the receipt of your Excellency's note of the 31st, that such was the intention of his Excellency the Minister of Justice, for at the early stage of these proceedings, when I advocated the application of section 159 of the Penal Code, in conformity with which it now seems that it was intended to suspend the inquiry, I was given to understand by your Excellency that, in the opinion of the Minister of Justice, the paragraph in question was at that moment inapplicable to the case.

When I called your Excellency's attention on the 19th instant to the importance of the witnesses for the defence being, equally with the accused, submitted to the preliminary examinations then going on before the Juge d'Instruction, I did so in consequence of a strongly expressed legal opinion, to the effect that this mode of procedure was of vital importance to the accused. This opinion, however, was given under the impression that the preliminaries of the trial were going actively forward, and that no suspension in virtue of section 159 was likely to take place.

I cannot conclude without expressing the satisfaction I experience at the assurances contained in your Excellency's note, of the desire felt by the Government to do all in their power to secure to my countrymen involved in this affair all the advantages which the laws admit of.

I have, &c.

*Baron Schleinitz.*

BLOOMFIELD.

*No. 28.—Baron Schleinitz to Lord Bloomfield.*

MILORD,

*Berlin, le 29 Octobre, 1860.*

PAR ma lettre du 9 de ce mois j'ai eu l'honneur de vous faire connaître le résultat des recherches auxquelles ont donné lieu l'arrestation et le procès de M. le Capitaine Macdonald, et je me suis réservé en même temps de vous faire une communication ultérieure sur l'enquête disciplinaire que le Gouvernement a fait ouvrir contre le Procureur du Roi, M. Möller, à Bonn, pour la conduite qu'il a tenue dans l'audience du Tribunal Correctionnel du 18 Septembre dernier.

En attendant, d'autres renseignements ont encore été pris sur quelques points, qui sans doute ne sont que d'une importance secondaire, mais que vous avez pourtant relevés dans vos différents offices au Ministre du Roi. Le résultat de ces investigations n'est nullement de nature à confirmer les griefs que vous avez formulés à cet égard ainsi que vous voudrez bien le voir par les données suivantes :

1. Votre lettre du 21 Septembre contient ce passage :

“ Pour l'aider (M. Macdonald) à exposer les faits, on lui donne

un interprète ignorant la langue qu'il entreprend d'interpréter." Ce fait n'est point exact.

Voici ce qui résulte à cet égard d'un rapport du Procureur Supérieur, M. de Ammon, à Bonn, du 11 de ce mois :

Le tribunal à Bonn a ordinairement eu recours jusqu'ici à M. Mayer, avocat, pour lui servir d'interprète de la langue Anglaise. Celui-ci ayant refusé de fonctionner comme tel dans le procès de M. Macdonald, le tribunal s'était adjoint un de ses référendaires, M. Gottschalk, qui a exercé déjà dans d'autres occasions les fonctions d'interprète de la langue Anglaise. Ce jeune homme a résidé longtemps à New York, où il a travaillé pendant une année entière dans l'étude d'un avocat Anglais. Il passe pour un homme qui non seulement possède très bien la langue Anglaise en général, mais qui connaît plus particulièrement aussi les termes de palais Anglais. Le fait est confirmé par l'avocat Mayer, qui était présent dans la séance du 18 Septembre, et qui affirme que dans tout le cours des débats M. Gottschalk a montré qu'il comprenait parfaitement l'Anglais ; mais que dans l'audience du 15, il lui avait paru que Gottschalk de son côté n'avait pas bien compris le Président, lorsque celui-ci le chargea de dire à l'accusé qu'il lui restait 3 jours pour préparer sa défense. Après le prononcé du jugement M. Crossthwaite, Consul Britannique à Cologne, en parlant à M. Gottschalk, lui a dit aussi qu'à son avis un seul mot n'avait pas été rendu exactement par lui en Anglais. Sur l'observation du Président du tribunal qu'on reprochait à M. Macdonald, de s'être conduit d'une manière inconvenante ("unanständig") envers une dame, l'épouse du Dr. Parow, l'interprète a rendu ce mot par "indecent," qui implique en Anglais quelque chose de contraire aux mœurs ("unsittlich," "unzüchtig"), reproche contre lequel l'accusé s'est récrié avec raison.

2. Dans leur protestation les Anglais résidant à Bonn ont prétendu que M. le Capitaine Macdonald avait été jeté dans une prison sale, et votre office du 21 Septembre, Milord, renferme sur ce point les mots suivants :

"Un sujet Anglais est incarcéré pendant 6 jours dans une prison, pendant lesquels il est soumis à un traitement usuel que dans le cas d'un criminel."

C'est encore une allégation dont je ne saurais admettre l'exactitude. Car il résulte des renseignements que le Procureur supérieur M. d'Ammon a pris auprès de l'Intendant de la Maison d'Arrêts, ainsi que de l'inspection qu'il a faite lui-même des localités, que M. Macdonald, à son arrivée dans la prison, a été conduit dans un appartement convenable et entièrement séparé des chambres des autres détenus. L'Intendant de la Maison était absent alors. Le lendemain le prévenu a été logé dans une chambre voisine de celle de l'Intendant, où se rassemblent ordinairement les juges et avocats. Il est resté

dans cette chambre pendant toute la journée et l'Intendant lui a tenu compagnie. Le soir il a été reconduit dans l'appartement précité et y a passé la nuit. Le propriétaire de l'hôtel, "A l'Étoile d'Or," lui a fourni sa nourriture, et à la demande expresse du prisonnier, l'Intendant lui a fait voir toute l'organisation intérieure de la maison.

3. J'ai déjà eu l'honneur de vous faire observer, Milord, dans ma lettre du 9 de ce mois, que pour ne pas prolonger davantage la détention de M. Macdonald, on avait renoncé lors de l'instruction de son procès à l'audition d'autres témoins, et que certainement le prisonnier n'avait eu aucun sujet de s'en plaindre. Vous trouverez sous ce pli, Milord, copie d'une lettre que le Sieur Buchholz, fabricant de draps à Burtscheid, et homme généralement estimé, a adressée à M. Hoffmann, Inspecteur de la Gare de Bonn, sur la conduite tenue par M. Macdonald avant qu'on ne lui eût fait quitter son coupé. J'y ajoute une copie du procès-verbal des déclarations faites sous la foi du serment par le Dr. Parow.

Si dans l'une et l'autre pièce la conduite de M. Macdonald est présentée sous un jour beaucoup moins favorable que ne l'ont fait les témoins dont les dépositions ont servi de base à l'arrêt du tribunal, je crois devoir appeler encore plus particulièrement votre attention, Milord, sur la déclaration faite sous serment par M. Hoffmann, et dont j'ai l'honneur de joindre également une copie à la présente. Cette déclaration semble porter le cachet de l'esprit d'impartialité et du calme avec lequel M. Hoffmann envisage l'affaire dont il s'agit. Selon cet employé, le conflit regrettable n'aurait eu pour cause que l'intention clairement manifestée par M. le Capitaine Macdonald de se réserver autant que possible à lui seul et à sa compagnie (en somme 4 personnes) un coupé destiné à recevoir 8 et au besoin 10 voyageurs. Un autre fait qui mérite d'être remarqué, c'est qu'au dire de M. Hoffmann le Consul Anglais à Cologne, M. Crossthwaite, aurait entièrement approuvé d'abord le procédé observé à l'égard de M. Macdonald.

4. L'enquête disciplinaire contre le Procureur du Roi, M. Möller, et le procès intenté aux Anglais résidant à Bonn, qui ont signé la protestation précitée, sont encore pendants. Je dois donc pour ne pas préjuger la décision judiciaire, m'abstenir de toute communication sur les informations qui ont déjà été prises sous l'un et l'autre rapport. Mais je ne saurais m'empêcher, Milord, de vous exprimer les regrets que me font éprouver les moyens repréhensibles qui sont employés de différents côtés pour exciter encore davantage les passions qui ne se sont déjà que trop emparées de cette malencontreuse affaire. Cette tendance haineuse résulte entr'autres ;

(a.) De la copie ci-jointe de l'adresse d'une lettre de Londres au Procureur du Roi, M. Möller ;

(b.) De la feuille ci-annexée, qui formait tout le contenu d'une enveloppe cachetée, parvenue le 10 de ce mois à M. Möller.

Il ne faudrait pas s'étonner si, en présence de pareilles démonstrations, l'opinion publique tournât insensiblement du côté du magistrat qu'on attaque d'une manière aussi indigne.

Recevez, &c.

*Lord Bloomfield.*

SCHLEINITZ.

*No. 37.—Baron Schleinitz to Lord Bloomfield.*

MILORD,

*Berlin, le 30 Novembre, 1860.*

En me référant à mes offices du 9 et du 29 du mois passé, relatifs à l'affaire de M. le Capitaine Macdonald, j'ai l'honneur de vous informer que l'enquête dirigée contre le Procureur du Roi, M. Möller, est maintenant terminée, et que les actes complets des divers débats auxquelles l'affaire en question a donné lieu devant le tribunal de Bonn ont été placés sous les yeux de M. le Ministre de la Justice.

En considération de la grande importance que le Gouvernement de Sa Majesté Britannique a attachée aux faits qui se sont passés à Bonn, M. le Ministre de la Justice a jugé convenable de faire extraire des dossiers de ces procédures un exposé détaillé, contenant en particulier toutes les dépositions des témoins les plus dignes de foi. J'ai l'honneur de transmettre ci-joint à votre Excellence une copie de cette pièce.

En appelant, Milord, votre attention sur les observations consignées dans le "Pro Memoria" que j'ai aussi l'honneur de vous adresser ci-joint, je vous prie de les regarder comme résumant la manière dont le Gouvernement de Son Altesse Royale envisage cette affaire. J'aime à croire que le Gouvernement de Sa Majesté Britannique, en vue de la réprimande qui va être adressée à M. Möller, n'hésitera pas à considérer comme terminé d'une façon satisfaisante un incident que le Gouvernement Prussien a vivement regretté.

Quant à l'effet que la peine infligée à M. Möller peut être appelée à produire sur le résultat de l'enquête ouverte à Bonn contre les Anglais qui résident dans cette ville, ce n'est qu'au tribunal compétent qu'il appartient d'en décider.

Recevez, &c.

*Lord Bloomfield.*

SCHLEINITZ.

*(Inclosure 1.)—A Legal Exposé of the Macdonald-Möller case.  
(Translation.)*

On the 12th of September of the current year, the English Captain, Macdonald, was taken into custody at the Bonn Railway

Station, and, upon the charge of having assaulted the station-master, Hoffmann, was submitted to judicial examination.

The preliminary inquiry, in consideration of the confinement of the accused, was restricted to as few examinations as possible, and the case was disposed of as early as the sitting of the tribunal of Correctional Police ("Zuchtpolizei-Gericht") of the 18th of September of the current year. The Court found the accused not so much guilty of an assault upon Hoffmann whilst in the discharge of his duty (which Hoffmann himself does not seem to have considered to have been the case at the time of the occurrence), as guilty of an insult to Hoffmann whilst in the exercise of his functions, and accordingly condemned Macdonald to a fine of 20 thalers, with costs. Macdonald made no appeal against this judgment, but, on the contrary, immediately paid the penalty and costs, and was set at liberty.

Then appeared in the "Bonn Gazette" of the 20th of September as well as in a number of the "Cologne Gazette" of the same date, a protest inserted by several English residents in Bonn, in which they asserted that the Public Prosecutor Möller had declared, in the public sitting of the 18th of September, that "the English residing or travelling on the Continent were known for their presumption, insolence, and blackguardism ('Lümmelei')." It goes on to say that Möller had been led, by his private feelings of hatred, to insult a whole nation, to which the wife of His Royal Highness the Crown Prince belongs, and that he had, by his uncalled-for and cowardly attack on the whole British nation, wished to excite feelings of animosity against the many English families living in Bonn.

An inquiry, not yet terminated, has been instituted at Bonn by the Procureur-Général (Ober-Procurator) against the persons who signed this advertisement, on the ground of an insult offered to the Public Prosecutor Möller in connection with his public duties.

Meanwhile the Minister of Justice found himself all the more called upon to direct disciplinary proceedings to be taken against Möller, that the occurrence had created a great sensation, and that the most exact exposition of the facts of the case appeared necessary. Accordingly, these proceedings were instituted, in conformity with section 23 of the Disciplinary Law for officials, not members of the judicature, passed on the 21st of July, 1852, under reserve of a further decision, according as the result of the preliminary inquiry turned out, one way or the other, as provided by section 38 of the same law; and a member of the Court of Appeal of Cologne, of the rank of judge, was named Commissioner to carry on this inquiry.

It was intimated, partly in the advertisement above alluded to,



partly in other quarters, that Macdonald had given no cause for his arrest; that he had been roughly treated during the same; that he had been confined in improper prisons; that the rules laid down by the law, with reference to arrests, had not been observed; and, finally, that Möller had not only, in the public sitting of the Court, expressed himself in the terms above alluded to, but had also previously opposed the provisional release of Captain Macdonald on bail in an improper manner.

As regards these charges, the legal proceedings, in which all the witnesses, as well those who were officially called as those adduced by the persons who signed the protest, were examined on oath, have furnished the following body of information:

Macdonald was travelling by rail on the 12th of September, from Mayence, in a second class carriage, in company with his sister-in-law and her husband, Kuhe, their child and its nurse. In those second-class carriages, according to the account given by station-master Hoffmann, when there is a press of travellers 10 persons may be received at intervening stations such as Bonn. As the train stopped at Bonn station Kuhe left the carriage, with the nurse and the child. Macdonald and his sister-in-law were left alone. The witnesses, shopkeeper Josepha Heyden and her forewoman Catharine Niessen, of Cologne, came early on the platform, before any disturbance took place, got into the carriage, of which Macdonald and a lady were the only occupants, and saw that the vacant places were covered with travelling effects. However, on their asking whether there were still two places free, it appears that Macdonald civilly made a sign in the affirmative with his hand, and gathered up his travelling effects, in order to make room for the two witnesses. After this, according to their account, Dr. Parow came to the carriage for the purpose of getting in, upon which Macdonald made a simple motion with his hand, in order to show that there were no more places vacant. Parow then retreated from the steps of the carriage, but on the railway guard warning the passengers to get in, he sat down with his wife in the carriage in question, without any opposition on Macdonald's part, either by word or gestures.

When, however, another gentleman (Buchholtz) had attempted to get in, Macdonald had got up from his seat, and motioned him off with his hand, in a manner which made the impression on the witnesses of his fearing lest the absent portion of his party should find no places. Upon this Macdonald's brother-in-law got into the carriage, with a child on his arm, and now (as deposed by the witness Heyden) or even on his warning off Buchholtz (as deposed by the witness Niessen), Dr. Parow informed Macdonald, in an excited tone of voice, that he was an insolent fellow ("Flegel"),



and called out to the station-master, who was standing near, "Take this insolent fellow out of the carriage, otherwise I shall not go any further. The station-master then called into the carriage, "Come out, we will give you another place;" and as Macdonald did not obey these directions, hands from outside laid hold of him, in order to drag him out of the carriage. His sister-in-law endeavoured to retain him in the carriage, but, from the other side, several railway employés rushed into the carriage and violently expelled therefrom Macdonald and the lady. The witnesses further deposed that, as far as they saw, Macdonald was not guilty of any act of violence against the station-master Hoffmann, and more particularly that they did not see him strike him on the breast. At any rate, they said neither one thing nor the other happened as long as Macdonald was in the carriage. Besides, they had never seen the face of the station-master, but had only concluded that he was present from Dr. Parow calling out to him, and from the answer returned by him. They had remarked no improper conduct against any one on the part of the Englishman. On the the departure of the train Dr. Parow had remarked to his wife, "Did he push you also?" to which the latter answered in the negative.

Henrietta Hoevel, formerly shopwoman of the witness Heyden, now residing at Poppelsdorf, was heard in support of Macdonald, and deposed, that she had accompanied the witnesses Heyden and Niessen to the carriage, and had remained on the platform; that it had at first appeared as if there were no places vacant in the carriage, but that Macdonald had made room for both ladies by collecting his luggage that was lying about on the seats. Dr. Parow had got in later, and Macdonald had given him to understand, by gestures with his arms, that the places were taken. She had seen no pushing on the part of Macdonald. One of the ladies whom she accompanied had informed her that Macdonald had merely laid his hand on the shoulders of the lady who was with Dr. Parow, giving her to understand that she must leave the seat. The station-master Hoffmann, had wished to prevent a second Englishman from entering the carriage, and wanted to drag out both Englishmen. Macdonald had on his side struck about him with his arms, and several railway officials had then come from behind and thrown the English out of the carriage. Up to the moment when the railway officials got into the carriage from behind, the witness had not seen that Hoffmann had been struck by Macdonald, although she had watched the affair closely. According to her firm conviction she could only say that he had made gestures with his arms.

In her subsequent examination this witness declared, in correction of her former statement, that she had not been able to remark the single facts as everything had taken place so rapidly.

She had seen no assault on Hoffmann on the part of Macdonald, but that, in the tumult, she had been unable to note whether such had taken place or not.

Another witness for the defence, Doctor of Philosophy Meyer (who could not be examined subsequently, as he had left Bonn), deposed, in the sitting of the 18th of September, that Hoffmann stretched his arms with a certain vehemence into the carriage, continually calling out, "Out with him." Railway officials had then dragged several persons out of the carriage. This was done rather roughly. Macdonald was dragged out by the feet, so that his head struck the step.

This last statement Macdonald himself declared in Court to be incorrect.

Dr. Parow, M.D., of Bonn, and his wife, both deposed that the former had, on Macdonald signifying to him that there was no room in the carriage, the vacant seats being covered with travelling effects, at first left the carriage steps; but on the call "Ready" sounding, and the guard directing him to get in quickly, as there was room enough in the carriage, he got in.

As, however, Mrs. Parow was about to enter, Macdonald took hold of her shoulders to prevent her from doing so. Upon this Parow had called to Macdonald in a loud voice, "Sir, how dare you touch the lady!" and on Macdonald explaining in his own language that he knew no German, Parow had answered, "I know that already; when Englishmen intend to be guilty of some insolence they pretend not to know German." He, Parow, had then called out to the station-master, "Protect me against this gentleman, who has attacked my wife. I make you responsible for it, and shall go no further with the gentleman." Meanwhile the brother-in-law of Macdonald had come up with the nurse and child, and had got in. Hoffmann tried to induce him to get out, but had received a very severe blow on the chest from Macdonald's two fists. Hereupon Hoffmann had, with the assistance of railway officials, who got in at the other side, dragged Macdonald, who struggled violently, out of the carriage.

The Parows explained the contradictory statements of the above witnesses, Heyden, Niessen, and Hoevel, by the fact of those standing outside having been unable to see all what was going on on account of Mrs. Parow's position; while Macdonald's standing up prevented the witnesses, sitting back in the carriage, from seeing.

The cloth manufacturer Buchholtz, of Burtscheid, deposed that he had wanted to get in after the Parows, being directed to do so by the guard, but that he had retreated because Macdonald had got up from his seat and gone up to him warning him off as if he intended to push him back; he had gone at him with both hands,

moving them backwards and forwards, and as witness believes with both fists clenched.

The station-master, Hoffmann, says that his attention had been drawn to the disturbance in the carriage in question, and that he had been desired by Dr. Parow, who was very indignant, to show either him (Dr. Parow) or Macdonald another place, as the latter had laid hold of his wife. He had also been informed that Macdonald had refused to allow Bachholtz to enter the carriage. Macdonald's brother-in-law, who had come up in the meantime, and who was perfectly quiet, and well acquainted with the German language had attempted to mediate. He, Hoffmann, had endeavoured to prevent his getting into the carriage, in order to show him and Macdonald into another place. The latter had, however, taken hold of his brother-in-law in order to drag him into the carriage, and had given Hoffmann, who tried to prevent this, a severe blow in the chest with one or both fists. Hereupon Macdonald, who had thrown himself back on the seat, had been turned out of the carriage. This could only be carried into effect forcibly by pulling at his legs. At the same time he had not fallen to the ground during the transaction. Macdonald's sister-in-law, Mrs. Kuhe, who was well acquainted with the German language, had, on the departure of the train, made use of abusive language in the luggage office, and talked of German coarseness and vulgarity. He, Hoffmann, had given her to understand that he respected the lady in her, that she could not insult him. No answer was given to him on his asking several times for Macdonald's name, until at last the passport book was tossed on the table to the police officer Wirtz, who had been called up, from which Macdonald's name was obtained. He had now demanded 10 thalers deposit-money, as he desired to treat the affair simply as a contravention of the railway police regulations; as, however, upon this, Mrs. Kuhe had declared it to be extortion and robbery, that he intended putting the money into his pocket, his patience had become exhausted, and he had given over the affair to the police, and brought Macdonald before the police commissary.

The judicial acts show that already on the 12th of September, after the witness Hoffmann had been heard, Macdonald, who had been arrested whilst actually committing the act of which he was charged ("auf frischer That ergriffen") was examined before the commissary of police, as the competent official of the criminal police, that his confinement in the arrest-house was ordered, and that a notification of the matter was made to the Procureur du Roi ("Staats-Anwalt"). The latter on the following day moved the examination and committal before the Juge d'Instruction. The examining organ ("Untersuchungs-Amt") examined Macdonald

on the same day in the arrest-house, and left him there. The provisions of the law of the 12th of February, 1850, for the protection of personal liberty (the so-called Habeas Corpus Act), were hereby fulfilled. The formal warrant of detention, prescribed additionally to this by the criminal code of the Rhine, which authorizes the actual reception ("Aufnahme") into the arrest-house, could only be drawn up and executed on the 15th of September, on account of the absence of the Juge d'Instruction on service, whose place for the purpose of examination had been taken by the Referendary.

It was namely necessary that, as Referendaries cannot on their own authority make out warrants of detention, and as the absence of the Juge d'Instruction was prolonged by the unexpected duration of his official business, the court at Bonn should by a decree appoint another of its members as a substitute for the Juge d'Instruction.

Macdonald during his detention was confined in a decent room reserved for debtors, and quite separate from the other localities of the prison; during the day time he could spend his time in the room set apart for the judges and lawyers, whilst he obtained his food from one of the best hotels at Bonn.

No application to be set provisionally at liberty or bail was made on behalf of Macdonald. Nevertheless the statement has been put forward that the Procureur du Roi Möller had in an improper manner denied the admissibility of such bail. The English Consul at Cologne, in his evidence given as sworn witness, only deposes to the fact that he had on the third day after the arrest endeavoured to obtain from Möller the release of Macdonald on bail, that Möller had declared that he for his part did not agree to such a step, that an application for this purpose might be brought before the court, but that he would oppose such an application. With reference to this statement, which does not even maintain that there was an illegal act on the part of Möller, Möller declares that it must in so far be based on a misapprehension that he had in no wise spoken of a personal disinclination to, or of opposition against, the liberation; but only that according to analogous precedents, the application would, as he foresaw, not be agreed to by the court, which alone had to decide in the matter; that however he would not dissuade from such an application being made. That in similar cases in which Englishmen have been arrested for ill-behaviour, applications for liberation on bail have been refused by the court at Bonn, is shown by the acts relative to these cases, more particularly in a case in the year 1857, when the court opposed the motion of the Procureur du Roi Möller.

Lastly, as regards the expressions which Möller is accused, in the newspaper advertisement above referred to, with having used in

the public sitting of the 18th of September, when the affair of Macdonald was being tried, it should be observed that Möller, even before the appointment of the disciplinary inquiry, had, in a written declaration which had been required of him, admitted that in the introduction to his speech for the prosecution, moving that 14 days' imprisonment should be awarded, he had, in connexion with the meaning of the word "gentleman," expressed himself on the spur of the moment to the effect that not all Englishmen had allowed that expression (gentleman) to penetrate into their flesh and blood, inasmuch as experience taught that, as regarded those who came to the Continent, they either did not fully appreciate the meaning of the word, or at least, when abroad, thought they could leave it unattended to, inasmuch as they often rendered themselves conspicuous by their presumption and arrogance, and he regretted to have so to call it, their blackguardism.

He did not mean exactly to apply this to the accused, who, however, as an officer and an educated person, ought to have known that it was his duty to submit to the orders of police agents, and that it was not one's business to oppose oneself to such orders by acts of violence and blows with the fist. Was not in his country (the accused's) the respect before the agent of police so great, that a single man, armed with a short staff, could menace and hold in order a whole mass?

No results, very materially different from these statements of Möller himself, have been obtained from the depositions of the many witnesses who have been examined in the matter. All the witnesses agree upon this point, that Möller spoke only of the English who travelled on the Continent, and not, as the protest declares, of those who reside on the Continent. In the same way it is proved that Möller immediately declared that these words did not apply to the accused.

The depositions of the witnesses only differ from one another in the sense they attribute to the words of Möller, viz., as to whether these words designated only a few travelling Englishman, or were to be taken in a more general sense, and whether they accidentally could, or necessarily would, when taken in their context, more or less produce the impression that all English travelling on the Continent were meant, and so a whole class of persons, and even the English nation at large, insulted.

The greater majority of the witnesses were unable to give an accurate account of the speech in its general connexion, and principally recollected the expressions, arrogance, insolence, and more particularly ("Lümmelei") blackguardism, and did not derive the impression from Möller's speech that he wished to extend those expressions to all English travelling on the Continent, and thereby

insult the English nation at large. It should be more particularly noticed, that the President of the Court, President Lamberg, who was called upon to give his special attention to the speech of Möller, and during the time it was going on to take notes, because he had to repeat what had been said to the interpreter, that it might be translated into English, finds amongst his notes the following entries:—"Amongst many English, insolent, arrogant, blackguardism ('Lümmelei') and consequently that he repeated to the interpreter the speech of Möller in the narrower sense which the speaker himself has attributed to it.

In opposition to this, Advocate Schöler, the counsel for Macdonald, who was examined as a witness, declares that, owing to the great excitement produced amongst the English who were present, by the observation of Möller—an excitement which he (Schöler) sought to calm to prevent any interruption of the sitting—he had been induced to note the expressions of Möller *verbatim*, and, according to his notes, Möller's *ipsissima verba* had been, "But the English, those at least who travelled on the Continent, behaved with insolence, arrogance, and, I may say, blackguardism. This, however, does not all of it apply to the present accused."

Witness had read out these words, word by word, in his reply, and it had struck him as strange that the President of the Court, when he caused the speech of Möller to be interpreted, had construed the words in the sense that "many English behaved themselves improperly." He had, however, had no interest in contradicting this interpretation previously to his reply.

The English Consul gives the words used by Möller, which he had written down soon after the sitting of the court, exactly as they had been given by the counsel who defended Captain Macdonald.

The first impression that they had made upon him was that an insult had been offered to the English nation. The reason why he had not held fast to this first impression might be that Möller had, upon the more general expression, "Englishmen," made the words follow, "at least those who travel on the Continent."

The Advocate Hagen, who was present amongst the audience at the sitting of the court, considered the expressions used by Möller to have been called forth by the antecedent remark of the counsel for the defence, to the effect that in conflicts between Englishmen and Germans, the latter's prejudices were generally against the Englishmen, whereas in the present case the opinion of the public was on the side of the Englishman. Möller's reply, connecting itself with this remark, as it seemed to him (Hagen) had gone to show that though it was certainly the case that the English knew how to designate with one single appropriate word the noble cha-



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English, those at least  
 themselves conspicuous by  
 That he had by  
 accused Macdonald, but  
 that Englishmen when  
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 and drawn attention to the  
 a general meaning by remarking,  
 of this kind could not be pre-  
 that he, at least, had relatives amongst  
 sorry to say anything of the sort  
 the general sense in which the language of  
 the counsel for the defence, caused con-  
 the English present, and it would have  
 Möller to have replied and restricted the  
 the defence to his words within the sense in  
 expressed himself. This was not done, but  
 addressing the interpreter, explained the words of  
 restricted sense.  
 declares that he had not contradicted the counsel  
 (who had also talked of Englishmen residing on the  
 because his (the counsel's) interpretation, from which  
 seemed to him (Möller) that the principal source of the  
 arose, had appeared to him to be too false. As re-  
 motives for the expressions used by him in the intro-  
 part of his speech for the prosecution, Möller declared that  
 of Macdonald had excited a lively interest amongst the  
 inhabitants of Bonn; that a strong party had been formed  
 in his favour, and that this party had more particularly been set in  
 movement by the English Consul at Cologne. That it had been  
 pointed out to him, Möller, that Macdonald stood in the personal  
 service of his Queen, and that her interests might possibly suffer  
 by his arrest. In the public sitting of the court, the English inha-  
 bitants of the town had, by taking up a position near his seat,  
 made themselves remarkable by a more or less imposing attitude,  
 so that it seemed as if it were their intention to have it understood  
 that the mere fact of being an Englishman lent a kind of un-  
 approachableness to the character, and as if an impropriety, similar  
 to the one in question, could under no circumstances be supposed  
 possible on the part of an Englishman. It was, therefore, only  
 with reference to this behaviour on the part of persons altogether  
 uncalled for ("unberufenen personen," seems to mean "persons  
 not called upon to mix themselves up in the matter") and not with  
 reference to the person of Captain Macdonald, or to the act of  
 which he was accused, that he had considered it a duty he owed to his

office, to point out in his introductory remarks that he need not be shy of applying the criminal code to an Englishman merely because the word "gentleman" existed in the English language, inasmuch as it was not every man who spoke English who was necessarily a "gentleman."

The Minister of Justice, in virtue of section 33 of the Disciplinary Law of the 21st July, 1852, which is worded as follows:—"The Minister within whose department the accused may be, is authorized, with reference to the result of a preliminary examination, to stay further proceedings, and merely to ordain, should the case require it, a disciplinary penalty ('ordnungs-strafe'),"—has considered it right, with reference to the result of the preliminary examination, to stay the further proceedings of the disciplinary inquiry, but, nevertheless (*vide* Nos. 8, 8, 14, 15, and other places), to administer a reprimand to Möller, because the expressions used by him being in themselves improper, were certainly offensive towards the English who were present, and were likely to cause the misapprehension that a general attack, and one without exception, was intended against whole categories of Englishmen and even against the English nation at large.

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(*Inclosure 2.*)—*Pro Memorid.*

Les poursuites judiciaires dirigées contre M. Macdonald ont démontré de la manière la plus évidente, que d'après les lois Prussiennes, auxquelles sont soumis aussi les étrangers, l'arrestation de M. Macdonald était pleinement justifiée par les circonstances, et qu'il s'est attiré lui-même l'application de ces lois en s'opposant de vive force aux injonctions des employés qui lui demandaient compte de sa conduite.

Les insinuations d'après lesquelles M. Macdonald aurait été traité avec dureté pendant sa détention ont été complètement démenties ; on a eu au contraire pour lui pendant son séjour dans la prison des égards particuliers ; de plus, il est hors de doute que, dans l'intérêt même de l'accusé, le Procureur du Roi a trop hâté l'instruction du procès, et que si les faits eussent été complètement éclaircis, comme ils l'ont été plus tard, on n'eût pu s'attendre à une sentence aussi peu sévère.

On avait fait un reproche au Procureur du Roi, M. Möller, d'avoir déclaré positivement au Consul de Sa Majesté Britannique que l'élargissement provisoire et sous caution du prisonnier ne pouvait avoir lieu. D'abord, d'après les termes de la loi ce n'était point au Procureur du Roi, mais au tribunal, de prononcer sur cette question, et si M. Möller avait affirmé le contraire au Consul Britannique, il aurait encouru le blâme de ses supérieurs. Mais dans sa déposition M. Crossthwaite n'a nullement maintenu cette assertion ;



il a déclaré au contraire que M. Möller lui avait dit qu'il pouvait adresser au tribunal sa demande d'élargissement, en ajoutant à la vérité que pour sa part il s'opposerait à ce que cette faveur fût accordée. Si M. Möller avait tenu ce langage il n'aurait fait qu'exprimer à l'avance son opinion personnelle qu'il pouvait être appelé, le cas échéant, à faire valoir, et l'on ne pourrait l'en blâmer ; mais il ne reconnaît pas même s'être exprimé dans ce sens, et prétend, au contraire, avoir dit seulement à M. Crossthwaite que d'après des précédents à lui connus il ne lui semblait pas probable que l'élargissement provisoire serait accordé. Ces précédents, qui ont été communiqués à M. le Ministre de la Justice, donnent en effet la preuve que l'élargissement provisoire sous caution n'est point accordé d'ordinaire aux étrangers par le tribunal de Bonn, et ce fait donne évidemment aux déclarations de M. Möller sur le contenu de son entretien avec M. Crossthwaite une assez grande apparence d'exactitude.

Il ne reste donc qu'à examiner les expressions dont s'est servi M. Möller dans l'audience publique du 18 Septembre, en parlant de la conduite des Anglais. Sous ce rapport l'on ne saurait regarder comme prouvé rien de plus que ce que M. Möller lui-même, tant avant que pendant l'enquête disciplinaire dirigée contre lui, a déclaré relativement aux paroles prononcées par lui à cette occasion.

Dans la protestation des sujets Anglais résidant à Bonn qu'ont publiée les journaux, M. Möller était accusé d'avoir compris dans son blâme les Anglais qui habitent sur le Continent. Pas un des témoins entendus dans cette affaire n'a confirmé cette assertion.

Quant à la question de savoir si M. Möller a parlé en général des Anglais qui voyagent sur le Continent, ou s'il n'a attaqué que les procédés d'un grand nombre d'entre eux, c'est sans contredit à la déposition du Président de la Chambre, M. Lambertz, que l'on doit accorder la plus grande valeur, puisqu'il était chargé, de répéter à l'interprète le discours de M. Möller, et que dans ce but il avait pris des notes pendant le cours même du plaidoyer. Si le défenseur de M. Macdonald et le Consul Britannique à Cologne, &c., ont interprété les paroles de M. Möller dans un sens plus général et plus offensant pour la nation Anglaise, l'intérêt qu'ils portaient à l'accusé peut n'avoir pas été sans influence sur leur manière de voir, et l'on ne saurait en aucun cas accorder plus de valeur à leur interprétation qu'à celle de la plupart des autres témoins. Le défenseur prétend à la vérité être prêt à affirmer sous serment que les mots cités par lui sont littéralement ceux qu'a prononcés M. Möller, et qu'il en a pris note aussitôt, et pendant la séance. Mais il reconnaît lui-même qu'il ne les a pas notés au moment même où ils furent prononcés, et qu'il n'a été engagé à le

faire qu'en voyant la vive sensation qu'ils produisaient parmi les Anglais présents, ajoutant qu'il avait dû chercher à calmer ceux-ci afin d'éviter que l'ordre de la séance ne fût troublé.

Le Consul Britannique n'a pris note de ces paroles qu'après la séance, et sa version correspond exactement à celle du défenseur. D'après la déposition de M. l'Avocat Hagen, celui des témoins qui a rapporté de la manière la plus claire l'ensemble des expressions dont s'est servi le Procureur du Roi, ce ne seraient point les paroles de M. Möller, mais seulement l'interprétation que leur donna le défenseur, qui aurait produit une si grande sensation parmi le public Anglais.

Cette réplique du défenseur, et le fait que M. Möller s'abstint de protester contre l'interprétation donnée à ses paroles, peuvent avoir contribué à faire naître les exagérations publiées plus tard. Mais lors même que les mots échappés à M. le Procureur du Roi dans un discours improvisé eussent été tels que le défenseur les rapport, il serait impossible d'admettre que M. Möller ait pu avoir l'intention de caractériser par là tous les Anglais, ou du moins tous ceux qui voyagent sur le Continent, et d'offenser ainsi la nation entière. On ne saurait reconnaître dans toute la première partie du discours de M. Möller que l'intention d'invoquer à l'appui de ses conclusions la considération que le manque d'égards et les prétensions exagérées qu'on a trop souvent à reprocher aux voyageurs Anglais exigeait une application sévère de nos lois pénales.

Le Gouvernement de Son Altesse Royale reconnaît que dans le cas présent les paroles qu'a prononcées M. Möller étaient déplacées, et que surtout la présence de nombreux Anglais et du Consul de Sa Majesté Britannique eût dû l'engager à les éviter.

Dans ces circonstances, M. le Ministre de la Justice avait à examiner quelle était la peine qui, d'après la Loi du 21 Juillet, 1852, devait être infligée à M. Möller.

L'Article XIV de cette loi distingue deux classes de peines disciplinaires :

1. Les peines disciplinaires proprement dites ("Ordnungs-Strafen").

2. L'éloignement de l'employé du poste qu'il occupe.

Les peines de la première espèce sont d'abord l'avertissement ; puis, comme peines plus sévères, la réprimande et l'amende.

Dans le cas actuel il ressort évidemment des informations fournies par l'enquête et consignées dans l'exposé ci-joint, que le délit dont s'est rendu coupable M. Möller ne justifierait nullement la destitution de ce fonctionnaire, et que la peine la plus sévère qui pourrait être prononcée contre lui serait la réprimande ; c'est-à-dire, le second degré des peines disciplinaires proprement dites. Il ne saurait donc être question de traduire M. Möller devant la Cour

Disciplinaire, et la justice sera évidemment satisfaite lorsqu'une réprimande adressée au prévenu par voie disciplinaire aura terminé cette affaire d'une manière définitive.

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(Inclosure 3.)—*The Minister of Justice to the Ober-Procurator in Bonn.*

(Translation.)

*Berlin, November 29, 1860.*

IN connection with the inquiry instituted against Perry and others, I have to inform you, Herr Ober-Procurator, with reference to the report of the 27th ultimo, the documents sent in with which are herewith returned, that a reprimand has been administered to the Staats Procurator Möller, for his behaviour in the inquiry against Captain Macdonald. Inclosed herewith is, at the same time, a copy of the verdict, which has been communicated to him to-day, which you are empowered to make use of with reference to the inquiry against Anderson and the other persons concerned, as soon as the documents which have been forwarded to-day to the General Procurator in Cologne have been returned to you.

It must be left to the judgment of the Landgericht at Bonn to determine what influence that reprimand can have upon the inquiry now pending. But the Minister of Justice would have considered an extension of the inquiry against Anderson and the other persons concerned upon the charge of an insult to the said Möller the less called for, that it cannot be considered desirable or fitting, as a rule, to institute proceedings for an insult to a public functionary if the latter should have in any way given cause for such insult.

SIMONS.

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(Inclosure 4.)—*Reprimand addressed to M. Möller.*

(Translation.)

*Berlin, November 29, 1860.*

THE proceedings in the Disciplinary Court of Inquiry instituted against you, agreeably to the order of the 6th October of the current year, which have been taken down before the Counsellor of the Court of Appeal, Pelmann, named as Commissary to conduct the inquiry, have, while agreeing on all material points with the account given by yourself, show that in the course of the proceedings in the case against Captain Macdonald, in the public sitting of the Court of Correctional Police in Bonn, on the 18th September, 1860, you, in your opening speech for the prosecution, made use of the following expressions, viz., "That Englishmen who came on the Continent frequently made themselves conspicuous for their presumption, shamelessness, and blackguardism" ("Lümmelei").

These expressions produced great sensation on the many English who were in court, and amongst them, on the English Consul, who, in his official capacity, interested himself for the accused, and have

been the cause of severe attacks, not only against yourself personally, but also against the Prussian courts of justice and the Prussian State in general. Now, although your arguments in their entire connection may not have justified this, yet there is no denying that the expressions made use of by you were in themselves unfitting, that they were certainly calculated to have the effect of wounding the susceptibilities of the English present, and that they might easily be misunderstood and construed into a general attack, without exception, upon whole categories of English, or even upon the English nation, a construction which has indeed very generally, through misapprehension, actually been put upon them. According to this you have, by the use of unfitting and needlessly offensive expressions, acted at variance with the duties imposed upon you by your office. As, however, the offence of which you are guilty is not of such magnitude as to subject you to a severer disciplinary penalty than a disciplinary reprimand, the Minister of Justice finds himself called upon (as provided by the 23rd section of the Disciplinary Law of the 21st July, 1852,) to stop further disciplinary proceedings, and to give you herewith a reprimand, with the recommendation to be more circumspect and discreet for the future.

SIMONS, *Minister for Justice.*

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*No. 41.—Baron Schleinitz to Mr. Lowther.*

SIR,

(Translation.)

*Berlin, December 16, 1860.*

WITH reference to my communication to Lord Bloomfield of the 4th instant, I have the honour to transmit to you herewith a certified copy of the sentence which the Tribunal of Bonn pronounced on the 18th of September last against Captain Macdonald.

Receive, &c.

*W. Lowther, Esq.*

SCHLEINITZ.

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(*Enclosure 1.*)—*Documents in Extract from the Secretary's Office of the Royal Landgericht at Bonn.*

THE Royal Landgericht in Bonn, in the sitting of the Correctional Police Court of September 18, 1860, in which were present:

M. Lamberg, President of the Chamber, Oster, Landgerichtsrath, M. von Dusseldorf, Assessor, M. Möller, Staats Procurator, and M. Blumberger, Secretary, pronounced the following judgment:

*In re* the Public Ministry against George Macdonald, 32 years old, Captain, living at Preston, in England. The accused appeared from the House of Arrest, and was defended by the advocate Schüler.

After the case for the prosecution had been stated, according to

which the above-named was accused of having, on the 12th September of the same year, assaulted the station-master Hoffmann while in the execution of his duty, as the accused was unacquainted with the German language, the "Auscultator" Gustavus Gottschalk was employed as interpreter, through the medium of whom, as soon as he had taken the oath prescribed by the law, and declared that he was 32 years of age, resident in Bonn, and neither related to nor connected with, nor in the service of the accused, the latter was examined. He pleaded not guilty to the charge; and witnesses, declaring themselves to be neither related to, nor connected by marriage with, the accused, were accordingly forthwith called, sworn separately in legal form, and examined in the following order:

1. Phillip Engelbert Hoffmann, 54 years old, station-master at Bonn.

Witnesses for the defence:

2. Henrietta Hoevel, 25 years old, living at Poppelsdorf, without any trade or calling,

3. Henry Meyer, 28 years old, Doctor of Philology at Bonn.

The advocate Schöler appeared for the defence, and demanded an acquittal of the accused, or, at any rate, that he should merely be condemned to a fine in accordance with the § 102 of the Penal Code ("Strafgesetzbuch").

After hearing the case for the prosecution, which, after the summing up of the proceedings, demanded that the accused be condemned to an imprisonment of 14 days and to the costs, the Court duly deliberated, and taking into consideration that:

They found in the conduct of the accused not so much a punishable assault on station-master Hoffmann whilst in the discharge of his duty, as defined by § 89 of the Penal Code (the latter having himself, in fact, according to his own statement, not considered it as such at the moment), as an insult offered to Hoffmann while in the discharge of his functions; taking, also, in consideration the accused's ignorance of the German language, and that the case presented extenuating circumstances, as attested by the witnesses for the defence; for these reasons the Court of Correctional Police finds that the accused is convicted of having, at Bonn, on the 12th September, 1860, insulted the station-master Hoffmann, while in the exercise of his functions, and condemns him, in consideration of the extenuating circumstances, in accordance with § 102 of the Penal Code and § 194 of the "Criminal Process-Ordnung," which was read to the Court by the President, and runs as follows:

"§ 102. Whosoever shall, by word of mouth, writing, print, signs, pictorial or other representations, insult either of the Chambers, any other political body corporate, a public court, a public officer, a religious minister, a member of the armed force, a juror, a witness,

or a professional person, whilst in the discharge of their several callings, or whosoever insults these persons in a manner having reference to their callings, shall be punished with imprisonment of one week to one year. It is provided that in all cases where extenuating circumstances are found, a fine of from 10 to 800 thalers be substituted for the imprisonment.

“§ 194. Every condemnation must entail the payment of costs on the party inculpated :

“To a fine of 20 thalers, or in default to a week's imprisonment, and to pay the costs, amounting to 3 thalers, 26 groschen, 2 pfennings.”

The Court acquits the accused of having assaulted the station-master Hoffmann while in the discharge of his duty, and fixes the stamp of this judgment at 15 groschen.

Thus adjudged and published at the public sitting of the Court of the Correctional Police of the Royal Landgericht at Bonn, on the 18th of September, 1860.

LAMBERG.  
OSTER.  
V. DUSSELDORF.  
BLUMBERGER.

*No. 43.—Consul Crossthwaite to Lord Bloomfield.*

(Extract.)

*Cologne, December 20, 1860.*

WITH reference to your Lordship's despatch of the 4th instant, I have the honour to transmit herewith the written legal opinion of the Justizrath Kyll on the several points connected with the arrest of Captain Macdonald.

Permit me to call your Lordship's attention to an important omission.

The declarations made on oath by Dr. Parow, the Inspector Hoffmann, and finally by Macdonald, were all published in the Government newspaper, whilst the declarations made by Fräulein Hövel and by Madame Heyden have been left unnoticed. I think that these declarations should likewise be published.

*Lord Bloomfield.*

G. F. CROSSTHWAITE.

*(Inclosure.)—Opinion of Counsel in the Macdonald affair.*

(Translation.)

*Cologne, December, 1860.*

“A LEGAL opinion is desired upon the 3 following questions :

“1. In how far is a ‘Referendarius’ (or an ‘Auscultator’) legally a substitute for an ‘Untersuchungs-Richter’ or Juge d’Instruction ?

“What are the provisions of the law with reference to such substitute, and in what manner have these provisions been fulfilled or not fulfilled in the present case ?

“2. Did the non-delivery of the warrant of detention until the 25th of the month invalidate the detention between the 12th and the 15th; and if so, in how far did it so invalidate it?”

“3. If such detention was illegal, who is responsible for the illegality? Was it the superior officer of the Arrest-House, or was it the Staats-Procurator (Procureur du Roi)?

“The explanation of the law by the Counsel whom you will consult upon the above points must be accompanied by quotations *in extenso* from the laws which have reference to the case, with exact reference to the statutes from which the quotations are taken.”

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I. Our legislation, *i. e.*, that in force in the Rhine Province, originally derived from the French Code, knew nothing of the institution of “Auscultators” and “Referendaries.” It was only later introduced and regulated upon the model of the Judicial Constitution existing in the old provinces, and that by means of Ministerial rescripts. The Ministerial rescript of the Minister of Justice, Von Kamptz, of the 16th of February, 1832, entitled “Regulations respecting the practical preparation and examinations for the judicial service (Justiz-Dienst) in the Rhine Province,” contains the *résumé* of the provisions on this point.

According to this rescript “Auscultators” are not authorized to undertake examinations in criminal cases in the room of the “Untersuchungs-Richter,” or Juge d’Instruction, and can only in such examinations be employed to draw up the Protocol; on the other hand “Referendaries” are empowered so to act. The passages on the subject are as follows:

§ 25. “However their (*i. e.*, the Referendaries’) principal occupation must consist in attending to affairs specially connected with the business of the judge or of the Public Prosecutor, in reports (“Relationen und Vorträgen”) in preparatory commissions (“Commissions Termine,” as, *e. g.*, in bankruptcy cases), and in examinations which they may conduct independently, or, as the case may be, under the direction of a member of the Court.”

§ 27. “The Referendar must at the same time point out at least two examinations which he has conducted independently, and which he himself considers as fitted to show the degree of perfection which he has acquired in the art of carrying on such examinations.”

The investment of the Referendar with the functions of examination is made by the Staats-Procurator (Procureur du Roi), and the President of the Court (Landesgericht). The inquiry in the particular case is intrusted to the Referendar by the Untersuchungs-Richter (Juge d’Instruction). Whether this was or was not done in the present instance can only be shown by the Acts of the case.



2. The legal sources in this matter are: The original Code of the year 1808, and the law for the protection of personal liberty of the 12th of February, 1850. The latter in certain points amplifies and alters the former.

In both the difference is made between the provisional arrest and detention of a person (*"Vorläufige Ergreifung und Festnahme einer Person"*), as the Law of 1850 expresses it, and the committal (*"Verhaftung"*) properly speaking. Under what circumstances the former may take place is stated in sections 2 and 3, as follows:

§ 2. "The provisional arrest and detention of a person without a warrant from a judge can take place:

1. "When a person is found in the actual perpetration of a criminal action, or is met with, or pursued, immediately after such perpetration."

2. "Later also, when circumstances show that there are suspicions of the strongest kind (*"dringend verdächtig"*) of a person having been the author, or having participated in a criminal action, and at the same time of his being equally strongly suspected of intending to fly."

§ 3. "The persons authorized provisionally to arrest and detain are the police authorities and other officials, whose duty it is, according to the existing laws, to search after crimes and misdemeanours, as also the military guard (*"Wacht-Mannschaften"*). The latter, however, only in the case No. 1 of Article II.

"If, in the case supposed under No. 1 in section 2, the perpetrator flies or gives ground for strong suspicion that he intends flight, or if there are grounds for supposing that the identity of the person may otherwise not be established, then any private person is authorized to seize such perpetrator."

Amongst other passages, sections 8 and 16 of the Code of Criminal Procedure (*"Criminal-Gesetz-Buch"*) express themselves in a similar manner: "The Criminal Police (*"Gerichtliche Polizei"*) examines into crimes, misdemeanours, and breaches of the law, collects evidence with regard to them, and hands over the authors thereof to the tribunals whose business it is to punish the same.

§ 16. "They arrest and bring before the Juge de Paix (*"Friedensrichter"*) or Maire every person whom they have caught in a (criminal) act, or who, by the voice of the public, is designated as the perpetrator (of such act), when such criminal action draws after it the punishment of imprisonment, or any heavier penalty."

In the larger towns there is a peculiar locality for the reception of such persons as have been subjected to the "provisional arrest and detention." The Superintendent or Administrator of such locality for imprisonment (*"Gefängniss-Local"*) has to receive therein, without any written order, such persons as are brought to



him by the officials and servants of the police, who are authorized to make such provisional arrests.

Different from this is the actual committal which must follow upon such provisional arrest, or which can take place independently of it. This point is treated of in section 1 of the Law of 1860:

§ 1. "The committal of a person can only take place upon the strength of a written warrant from a judge, in which the accused, be they one or more, is or are distinctly described.

"This warrant must, at the time of the committal, or at latest in the course of the following day, be shown to the accused."

In the present case,\* a provisional arrest and detention of the kind described had taken place. For such, paragraph 4 of the Law of 1850 enacts as follows:

"In every case of committal, the necessary steps are immediately to be taken to bring the accused before the judge who has issued the warrant of committal.

"Every person provisionally arrested must, at latest, in the course of the day following his arrest, either be set at liberty, or within that time the necessary steps must have been undertaken for bringing him before the Staats-Anwalt ('Procureur du Roi') of the competent court. The Staats-Anwalt must either order the immediate liberation, or without delay move the court to take a decision with reference to the committal."

Further:

§ 5. "Every person arrested, or provisionally detained, must, at latest in the course of the following day after he has been brought before the competent judge, be so examined that the ground of his accusation be communicated to him, and that the possibility be afforded him of explaining a misunderstanding."

In the present case the provisional arrest occurred on the 12th of September, 1860, and on the 13th the examination before the Referendar, who acted in the capacity of Untersuchungs-Richter (Juge d'Instruction). Whether the Referendar in question had been regularly commissioned so to act can only be ascertained by consulting the Acts themselves.

Supposing this not to have been the case, then, according to section 4 of the Law of 1850, it was necessary, with regard to the person (*i.e.*, Captain Macdonald) provisionally arrested, that on the 13th, if he were not set at liberty, the necessary steps should be taken within that time (*i.e.*, from the 12th to the 15th) for bringing him before the Procureur du Roi. This uncertain wording of the paragraph leaves it a matter of doubt whether the citing itself of a

\* There is a clerical error here in the original, but there is no doubt about the meaning.—R. B. D. M.

prisoner before the competent judge is to take place on the following day, in this instance on the 13th [in the Rhine provinces persons arrested are usually brought up before the Untersuchungs-Richter (Juge d'Instruction), and not before the Staats-Procurator (Procureur du Roi)], or whether only the necessary dispositions to that effect are to be taken.\* Paragraph 5 seems to imply that a person provisionally arrested is, in the first instance, only to be brought before the competent judge, and superficially examined; and that then, in the course of the following day, the special examination is to take place in such wise that the ground of accusation is to be communicated to the accused, and so the possibility afforded him for an explanation of any misunderstanding.

But if the first examination, as, according to our (*i.e.*, the Rhine) criminal procedure, is always the case, has been conducted in the full manner above described, a second examination naturally does not occur.

What further measures are to be taken are not laid down in the Law of 1850, the object of which was only to limit the action of the police, and to bring cases as quickly as possible within that of the tribunals. When the latter phase has once been entered upon, then the provisions of the Laws of 1808 regulating criminal procedure come in.

According to these provisions the Staats-Anwalt (Procureur du Roi) and the Instructions-Richter (Juge d'Instruction) have to conduct the examinations; and that partly independently, partly together. The Staats-Anwalt (Procureur du Roi) and Instructions-Richter (Juge d'Instruction) can, in cases of a serious kind where the criminal is caught in the act, arrest the accused, where this has not already been done by an official of the Hülfspolizei (Police Correctionnelle). But for the present case the details on this point are of no interest, as the provisional arrest had already taken place. In a case like the present the protocol of the Hülfspolizei

\* Translator's Note.—The sense of this passage, beginning at “supposing this not to have been the case,” which is very obscure in the original, seems to be as follows:—The law allows a “Referendar” to conduct a preliminary examination, but requires that he should be specially deputed in each case to act in this capacity by the Juge d'Instruction. Whether on the present occasion the Referendar was so specially deputed or not, cannot be known, except by reference to the records of the proceedings, which the counsel who gives this opinion had not access to. Even, however, if he were not thus specially deputed, the Law of 1850 is so doubtfully worded, that its provisions would seem to be complied with if, on the day following an arrest, the necessary steps have been taken for taking the matter out of the hands of the criminal police, and bringing it within the cognizance of the judicial authorities (Procureur du Roi and Juge d'Instruction), and that in the present instance an examination before a Referendar, even if not specially deputed, would have amounted to “taking those necessary steps,” seems to be the opinion which the counsel wishes to express.—R. B. D. M.

(Police Correctionnelle) is delivered to the Staats-Anwalt (Procureur du Roi), and by the latter the Acts are referred to the Juge d'Instruction ; the latter has to test the matter, and, in so far as it may seem justifiable, set the person provisionally arrested at liberty, or, in the contrary case, issue the warrant of committal, properly speaking ; i.e., change the provisional arrest into a committal. This proceeding, in the larger towns where a distinct locality and administration exists for the reception of the provisionally arrested, the so called Verwahrungshaus (Maison de Dépôt), has the result that the accused is taken out of this house into the Arrest-House, and upon the exhibition of the warrant of committal is received into the latter by the Superintendent of the Arrest-House.

In the town of Bonn, according to information taken on the subject, there do not exist two separate localities for detention of this kind, and consequently it was necessary that the accused should, on the ground of the police arrest of the 12th of September, be received into the only existing arrest locality ; from which, therefore, he could only have been liberated by order of the Staats-Procureur or the Juge d'Instruction. Such setting at liberty not taking place, but, on the contrary, the warrant of committal being made out on the 15th, he had from thenceforward, on the strength of the warrant of committal, to remain in the Arrest-House. The detention from the 12th to the 15th was a provisional arrest, according to § 3 of the law of the 12th of February, 1850, and the detention from the 15th was in virtue of a warrant of committal, both kinds being authorized by the law. According to established usage, moreover, even where a Referendar properly commissioned for that purpose has conducted an examination, the warrant itself is issued by the Juge d'Instruction.

Now, if, as stated in the account of the matter, the ordinary Juge d'Instruction was absent on leave, and his substitute absent on public business, and if it was consequently necessary that the Court (Landesgericht) should name a further substitute, in accordance with Article LVIII of the Code of Criminal Procedure, to the effect that "in those towns where there is only one Juge d'Instruction, and he is prevented by absence, illness, or some other cause, from attending to his duties, then the Tribunal of First Instance names a Judge from out of their own body to act in his place,"—then it is easily to be explained that the warrant of committal was only made out on the 15th.

The Staats-Procureur could have ordered the liberation of the prisoner from the provisional detention, but as in this case the prisoner was a foreigner, this could not be demanded, nor would it have been justifiable. But the liberation on bail\* cannot be

\* Subauditur "after committal."

accorded by the Staats-Procurator, nor by the Instructions-Richter (Juge d'Instruction). It can only be granted by a decree of the Rathskammer (i.e., a subdivision of the court whose functions answer to a certain extent to those of a Grand Jury), according to § 114 of the Code of Criminal Procedure, viz.:

§ 114. "If the act that has been committed does not involve an ignominious ('beschimpfende') or dishonouring ('entehrende') penalty, but only a 'Zuchtstrafe' ('peine correctionnelle'), then the Berathschlagungskammer (the same as Rathskammer) at the prayer of the accused, and at the instance of the Staats-Procurator, may order the provisional setting at liberty of the accused; in which case, if called upon to do so, he has to appoint a surety, capable of payment, to answer for his appearance at all stages of the proceedings, as also for the fulfilment of the sentence.

"The provisional setting free on surety can be applied for and granted at all stages of the process."

This Rathskammer has to meet, according to § 121 of the same Code, at least once a week, for the purpose of hearing the reports of Untersuchungs-Richter (Juge d'Instruction). In the present case the application for bail might probably have required more time than the trial of and judgment on the matter itself, inasmuch as these took place with such rapidity.

If it be considered that the occurrence happened in the bi-monthly law term (August and September), that the arrest took place on the 12th, and that judgment was passed already on the 18th, it must be admitted that the greatest possible dispatch took place.

Hence the second question can only be answered as follows:

"That the provisional arrest of the 12th of September, 1860, was, according to §§ 2 and 3 of the Law of the 12th of February, 1850, a legal one; that it is certainly true that this provisional arrest might already on the 13th instead of the 15th have been changed into a committal, properly speaking by a warrant of committal issued by the Untersuchungs-Richter (Juge d'Instruction), if the absence on public grounds of the Deputy Juge d'Instruction had not made it impossible for a warrant of committal to be issued until a new substitute had been named, not, it should be remembered, by the President of the court, but by the Gerichts-Collegium (i.e., the court sitting collegially), but that until this difficulty had been got over the provisional detention did as such continue in a manner conformable to the law."

3. The third question is answered in the above statement. It would, moreover, reduce itself only to this, whether the court acting collegially, ("das Collegium des Gerichtes") is to blame, because, on the 3rd and 14th a person qualified to act as Unter-

suchungs-Richter (Juge d'Instruction), and as such to issue a warrant of committal, was not present. To answer this question the necessary materials are not at hand. But it is plainly evident that no delay in the proceedings was caused thereby, inasmuch as before stated, the proceedings having been brought to a close from the 12th to the 18th of September was quite out of the common way.

KYALL, *Counsellor of Justice, and Advocate at the Rhénal Court of Appeal.*

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*No. 44.—Mr. Lowther to Lord J. Russell.—(Rec. December 31.)*  
 MY LORD, *Berlin, December 29, 1860.*

I HAVE the honour to inclose herewith to your Lordship the copy of a despatch I received from Mr. Consul Crossthwaite at Cologne, reporting the verdict pronounced upon the English who signed the protest against the expressions used by the Procurator Möller at the trial of Captain Macdonald. I have, &c.

*Lord J. Russell.*

W. LOWTHER.

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*(Inclosure.)—Consul Crossthwaite to Mr. Lowther.*

SIR, *Cologne, December 24, 1860.*

I HAVE the honour to report to you that the following verdict was given this morning in the matter of the parties who signed the protest:

*“Bonn, December 24, 1860.*

“The court decided that the accused:

“Washington, who did not appear, should be proceeded against *in contumaciam*.

“That Anderson, Drummond, Cumberland, and Rapp, be condemned to pay a fine of 25 thalers each, or be imprisoned 9 days.

“That Perry should pay a fine of 100 thalers, or be imprisoned 5 weeks.

“That Baddeley, Rochfort, Thurston, Oldfield, and Washington (the latter *in contumaciam*) be pronounced ‘free’ both of fine and costs, and that the costs be defrayed by the before-named Perry, Anderson, Cumberland, Rapp, and Drummond.”

I have, &c.

*W. Lowther, Esq.*

G. F. CROSTHWAITE.

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*No. 48.—Mr. Lowther to Lord J. Russell.—(Received January 28.)*  
 MY LORD, *Berlin, January 26, 1861.*

HAVING received a letter from Mr. Anderson, one of the Englishmen on whom judgment was latterly passed in the Correctional

Police Court at Bonn, in connection with the Macdonald affair, demanding if that sentence was affected by the Royal Proclamation of the 12th instant, I applied to Baron Schleinitz for information on this matter, and learnt from his Excellency that the penalty and fine imposed upon them was remitted by this proclamation, and that I was at liberty to inform them of the fact, which I did.

Baron Schleinitz, this morning, stated that he was about to make me a written communication in confirmation of what he had said. I told Baron Schleinitz I regretted that he had not in the first instance done so, as it would have been more gracious on the part of the Prussian Government to have made these gentlemen a separate communication, instead of letting them be included in the proclamation.

I have, &c.

*Lord J. Russell.*

W. LOWTHER.

*No. 49.—Mr. Lowther to Lord J. Russell.—(Received January 31.)*

MY LORD,

*Berlin, January 29, 1861.*

WITH reference to my despatch to your Lordship of the 26th instant, I have now the honour to inclose the copy of a note I have this day received from Baron Schleinitz, stating that the sentence pronounced on the 24th of December last against the Englishmen at Bonn will not be carried into execution.

I have, &c.

*Lord J. Russell.*

W. LOWTHER.

*(Inclosure.)—Baron Schleinitz to Mr. Lowther.*

MONSIEUR,

*Berlin, le 28 Janvier, 1861.*

EN me référant à ce que j'ai déjà eu l'honneur de vous dire de vive voix, je m'empresse de vous prévenir que l'amnistie accordée par Sa Majesté le Roi le 12 de ce mois profitera aussi aux Anglais qui ont été condamnés le 24 Décembre dernier par le tribunal de Bonn dans l'affaire du Capitaine Macdonald, en sorte que le jugement prononcé contre eux ne sera point exécuté.

Recevez, &c.

*W. Lowther, Esq.*

SCHLEINITZ.

*No. 52.—Lord J. Russell to Mr. Lowther.*

SIR,

*Foreign Office, February 11, 1861.*

HAVING referred to the Law Officers of the Crown the whole correspondence which has taken place respecting the case of Captain Macdonald, I have now to communicate to you the opinion of Her Majesty's Government.

In the first place, assuming that the charge of which Captain Macdonald was found guilty by the Prussian tribunal was legally

proved, his arrest, trial, and subsequent punishment must in that case be admitted to have been matters, strictly speaking, within the jurisdiction of the Prussian tribunals, and the legality of the proceedings cannot be impugned so far as Prussian law is concerned.

In the next place, the Staats-Procurator, Möller, having been reprimanded for the abusive language used by him in the conduct of the prosecution of Captain Macdonald, that reprimand may be accepted as a sufficient atonement by the Prussian Government for this misconduct of their subordinate officer; and lastly, Her Majesty's Government do not deny that the prosecution, by the authority of the Prussian Government, of certain British subjects at Bonn, for libel, although bearing the character of a harsh and vindictive proceeding, appears to have been in conformity with the law of the country, and was not a violation of International Law, assuming always that the provisions of the Prussian Municipal Law were duly observed.

But I have to add that, apart from the strict legal aspect of this affair, all these proceedings of the Prussian officials concerned in the case appear to Her Majesty's Government to have been uncalled for and unjustifiable.

1. The railway inspector ought, if it was so, to have explained through the sister-in-law of Captain Macdonald, that after the strangers who wished to come into the carriage had taken their seats, there would still be room for the gentleman, the nurse and child of Captain Macdonald's party, and if that explanation had been civilly given, no further altercation would probably have taken place. The order for Captain Macdonald and his party to leave the carriage was, therefore, a wanton act of arbitrary rudeness.

2. The caution or bail-money offered for Macdonald ought to have been accepted, and Captain Macdonald ought to have been left at liberty; but this was not done, and Captain Macdonald was sent for 5 nights to prison, merely because, as it was said, Madame Kuhe threw some imputations on the honesty of the inspector. But this reason was quite insufficient, and officials invested with such great arbitrary power are bound to be careful not thus to abuse it.

3. M. Möller's violent and libellous charge against the character of English travellers was highly unbecoming; for even assuming that Captain Macdonald had been guilty of an offence against the Prussian law, that was no reason why M. Möller should cast a malicious aspersion upon all Englishmen travelling in Germany.

4. The just indignation of the English residents at Bonn at hearing this wanton accusation made by M. Möller against their countrymen travelling or residing on the Continent, might well have been allowed to find expression in a protest, published in a



newspaper, without bringing down on the heads of its authors the vexation and annoyance of a State prosecution.

In a moral point of view, and having regard to the relations between the two countries, the conduct of the Prussian Government in this matter appears to Her Majesty's Government to have been in a high degree unfriendly.

Prussian law was enforced with extreme and unnecessary harshness, and in a manner not required for the purpose of justice. To throw a person of the rank and station of Captain Macdonald into prison on such a charge, and to refuse his liberation on bail, was an act which in England we should ascribe to a malignant spirit, violating the limits of a temperate administration of justice.

The rude refusal of the Prussian official, when informed of the rank held by Captain Macdonald in the Body Guard of his Sovereign, was not consistent with ordinary international courtesy, and is a fit subject to be observed upon, because it has not been disavowed by the Prussian Government. Her Majesty's Government feel confident that no Prussian officer or gentleman of the rank of Captain Macdonald would have been treated in a similar manner in England under similar circumstances.

Her Majesty's Government must also observe on the spirit which dictated a prosecution for a publication alleged to be a libel upon a Prussian official, when the very act which that alleged libel condemned had been censured by the Government of that officer; and it is further to be observed, that that prosecution was instituted whilst Captain Macdonald's case was still pending between the two Governments.

The Prussian Government has not thought fit to temper its justification of these extreme acts by any expression of regret, and Her Majesty's Government cannot but regard its conduct as too clearly evincing a disregard of international goodwill.

I have to instruct to you to read this despatch to Baron Schleinitz, and to give him a copy of it. I am, &c.

*W. Lowther, Esq.*

J. RUSSELL.

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*No. 55.—Count Gruner to Count Bernstorff.—(Communicated to Lord J. Russell by Count Bernstorff, March 4.)*

(Translation.)

*Berlin, February 27, 1861.*

AFTER the detailed communications which I made to Lord Bloomfield relative to the affair of Captain Macdonald on the 30th of November, and to your Excellency on the 8th of December last, I thought I might hope that the British Government would be convinced that the Prussian Government and its authorities had impartially treated this unfortunate occurrence in strict accordance with the laws, and that this much-discussed affair would now remain

at rest. This hope has not been realized; but, as your Excellency will see by the inclosed copy, Lord Augustus Loftus has been commissioned by his Government to present a further despatch, and to communicate to me a copy thereof.

First of all, I can only regret that, in this paper, although it was intended to be communicated to a friendly Government, a style of expression has been used which is by no means in harmony with those considerations which friendly Governments usually think themselves bound to observe. Such style of expression in the present case seems the less justified, inasmuch as the views and the assertions put forth in this despatch are almost wholly in opposition to the real state of the case, as it was communicated by me to the British Government from the documents. Hereupon I will confine myself to a proof of this, in a brief examination of the 4 points brought forward in the despatch :

1. By the testimony of Parow and his wife, and of Buchholtz, it is shown that, from the first, the entrance of those travellers was opposed by Captain Macdonald, partly by a threat of force, and partly by the actual employment of force. Nevertheless, the railway inspector, on being called, left no means untried to remove the cause of dispute by polite intervention. He offered Captain Macdonald and his party admission to another *coupé*. While he, with this view, tried to prevent M. Kuhe from getting in, Captain Macdonald used force, pulling his brother-in-law into the carriage, and thrusting his fist against the inspector's breast. After such conduct nothing was left to do but to order Captain Macdonald's removal from the carriage. Such an order towards a traveller who has replied to the summons of an official person by a forcible personal attack, can only be looked upon as the indispensable restoration of seriously violated order.

2. The assumption that Captain Macdonald at any time offered security to obtain his liberty rests simply upon an error. To the demand made at the station to deposit a security of 10 thalers, Captain Macdonald replied by silence only, while his sister-in-law, Kuhe, opposed the accusation that it was extortion. When once Captain Macdonald was arrested and conducted to prison, no further proposition was made by him or his defender to let him out of custody on security.

3. The assertion of Staats-Procurator Möller in reference to the conduct of individual (not almost all) English travellers, is admitted by the Prussian Government itself as unbecoming. A disciplinary inquiry was instituted by the constituted authorities, with full observance of the existing law, and the legal penalty awarded. In reference to this episodic occurrence, the requisite satisfaction has therefore resulted, and consequently the matter is completely settled.

4. The English residents in Bonn are sufficiently acquainted with the Prussian laws and regulations to be aware that it is indeed permitted to every man to make known his supposed grievances in the newspapers, but that public offences ("Beleidigungen") committed through articles in newspapers bring after them a legal penalty. Those Englishmen, therefore, only suffered the necessary consequences of their excited feelings, when they, without due consideration, published in the newspapers accusations against an official person. In this matter also the Prussian Government has simply put the law in force ("walten lassen"). This was purely a matter for the tribunal, with whose functions the Government, as such, is not competent to interfere.

The facts of this case being so notorious, there can be no question of any harshness with which, as Lord John Russell expresses himself, the law has been carried out. No knowledge whatever existed of the personal quality of Captain Macdonald when his own conduct rendered his arrest necessary. His violent behaviour was not calculated to make him known as a person of high rank and distinction. Even the demand to deposit a security of 10 thalers was not assented to. When once he was given over to justice, it was no longer possible for the Prussian Government to interfere with the course of it. It has deeply regretted this, and especially because of its close and friendly relations with England; it gave expression to this regret, not only in the note of the 30th of November last to Lord Bloomfield, but also in its endeavour to alleviate the position of Captain Macdonald by hastening his examination.

I cannot understand, for the rest, how a reproach can be drawn from the circumstance that the legal prosecution against the signers of the article in the Bonn newspaper was carried out while the discussions upon the affair of Captain Macdonald were pending between the two Governments. The course of justice in Prussia is as free from all influence of the Government, and as independent, as in England. It is not in the competence of the Government to impede it; and those discussions could have no other object than to furnish the British Government with the desired explanation as to the actual state of the case. The decision was solely in the hands of the tribunal, not in those of the Government.

I must, therefore, decidedly repel the view taken, that the Prussian Government has in this affair, by its acts or its omissions, violated any of the considerations which it owes to a friendly Government like the British. That such an opinion has appeared in the English press may be explained, inasmuch as it has gathered its information only from the partial representations of Captain

Macdonald and of the English residents in Bonn, and to some extent has even refused to give insertion in its pages to impartial communications. But I can only most deeply deplore that the communications which the legal proceedings have furnished as to what really took place have not sufficed, even after hearing the Crown Jurists, to restrain the British Government from the expression of a judgment which is in decided opposition to the facts legally proved.

I beg your Excellency to be pleased to read this despatch to Lord John Russell, and to give him a copy thereof.

By Order of the Minister of Foreign Affairs,  
*Count Bernstorff.* GRUNER.

***DECRET de l'Empereur des Français, portant promulgation du  
 Traité d'Amitié, de Commerce, et de Navigation, conclue le  
 9 Mars, 1861, entre la France et le Pérou.—Paris, le 26  
 Février, 1862.***

NAPOLÉON, par la grâce de Dieu et la volonté nationale, Empereur des Français, à tous présents et à venir, Salut.

Sur le rapport de notre Ministre Secrétaire d'Etat au Département des Affaires Etrangères,

Avons décrété et décrétons ce qui suit :

ART. I. Un Traité d'Amitié, de Commerce et de Navigation ayant été signé à Lima, le 9 Mars, 1861, entre la France et la République du Pérou, et les ratifications de cet acte ayant été échangées le 28 Décembre de la même année, ledit Traité, dont la teneur suit, recevra sa pleine et entière exécution.

Au nom de Dieu, auteur et Législateur de l'Univers.

Sa Majesté l'Empereur des Français et Son Excellence le Président de la République du Pérou, animés du désir de resserrer les liens d'amitié, de régulariser, maintenir et étendre les relations commerciales et maritimes qui existent heureusement dès aujourd'hui entre les deux nations, ont résolu de conclure un Traité d'Amitié, de Commerce et de Navigation qui les établit d'une manière solide sur les principes de la justice et de la réciprocité ; à cet effet, ont conféré leurs pleins pouvoirs, savoir :

Sa Majesté l'Empereur des Français, à M. Prosper-Edmond de Lesseps, Officier de l'Ordre Impérial de la Légion d'Honneur, Commandeur de l'Ordre de Saint-Grégoire-le-Grand et des Cheva-

liers de Jérusalem, Officier de l'Ordre de Léopold de Belgique, son Consul-Général et Chargé d'Affaires auprès du Gouvernement de la République du Pérou ;

Et le Président de la République du Pérou, au Ministre des Relations Extérieures, M. le Docteur Don José Fabio Melgar ;

Lesquels, après avoir échangé ces pleins pouvoirs et les avoir trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Il y aura entre l'Empire Français, d'une part, et la République du Pérou, d'autre part, dans toute l'étendue de leurs possessions et territoires, comme entre les sujets ou citoyens de l'un ou de l'autre Etat, sans exception de personnes ni de lieux, paix perpétuelle et amitié parfaite et sincère.

II. Les Français au Pérou et les Péruviens en France pourront, réciproquement et en toute liberté, entrer avec leurs navires et cargaisons, comme les nationaux eux-mêmes, dans tous les lieux, ports et rivières qui sont actuellement ou qui seront plus tard ouverts au commerce étranger en général.

Les sujets ou citoyens des deux Etats pourront, comme les nationaux, sur les territoires respectifs, voyager, séjourner ou s'établir, commercer tant en gros qu'en détail et exercer toute profession, tout art ou industrie non contraire aux usages, aux bonnes mœurs, à la morale, à la sécurité et à la salubrité publique, se conformant aux lois municipales et aux ordonnances de police, et observant les conditions et formalités requises pour l'exercice de certaines professions scientifiques par des règlements spéciaux ; ils pourront également louer et occuper les maisons, magasins et boutiques qui leur seront nécessaires, effectuer des transports de marchandises et d'argent, recevoir des consignations, tant de l'intérieur que de l'étranger, en s'assujettissant aux obligations et en payant les droits et patentes imposés par les lois du pays.

Dans tous leurs achats, ventes, transactions et contrats, ils seront parfaitement libres d'établir toutes les conditions permises par la loi, et de fixer le prix des effets, marchandises ou autres objets naturels ou manufacturés, tant ceux importés de l'étranger que ceux produits par le pays de leur résidence, soit qu'ils les vendent à l'intérieur, soit qu'ils les destinent à l'exportation, sauf à se conformer exactement aux lois et règlements du pays.

Ils jouiront de la même liberté pour faire leurs affaires eux-mêmes, présenter en douane leurs propres déclarations ou se faire suppléer par qui bon leur semblera, fondés de pouvoirs, facteurs, agents, consignataires ou interprètes, soit dans l'achat ou la vente de leurs biens, effets ou marchandises et autres transactions ou contrats, soit dans le chargement, le déchargement ou l'expédition de leurs navires, sauf toujours à se conformer aux lois et règlements en vigueur dans le pays. Ils auront également le droit de remplir les mêmes fonc-

tions, lorsqu'elles leur seront confiées par leurs compatriotes, par des étrangers ou par des nationaux, et, en aucun cas, ils ne seront assujettis à des charges, taxes ou impôts autres que ceux auxquels seront soumis les nationaux ou les sujets ou citoyens de la nation la plus favorisée.

III. Les sujets et citoyens des deux Hautes Parties Contractantes jouiront, dans l'un et l'autre Etat, de la plus complète et constante protection pour leurs personnes et leurs propriétés : ils auront, en conséquence, libre et facile accès auprès des tribunaux de justice pour la poursuite et la défense de leurs droits en toute instance et à tous les degrés de juridiction établis par les lois ; ils seront libres d'employer les avocats, avoués, agents ou interprètes qu'ils jugeront à propos ; enfin ils jouiront, sous ce rapport, des mêmes droits et privilèges que ceux qui sont ou seront accordés aux nationaux, et seront soumis aux conditions imposées à ces derniers.

Ils seront, en outre, exempts de tout service personnel, soit dans les armées de terre et de mer, soit dans les gardes ou milices nationales, ainsi que de toute contribution de guerre, de tous emprunts forcés, réquisitions ou services militaires de quelque nature que ce soit ; ils ne pourront, en aucun cas, être assujettis, pour leurs propriétés, soit mobilières, soit immobilières, à d'autres charges, taxes ou impôts, que ceux auxquels seront soumis les nationaux eux-mêmes, ou les sujets ou citoyens, de la nation la plus favorisée, sans exception : bien entendu que celui qui réclamera l'application de la dernière partie de cet Article sera libre de choisir celui des deux traitements qui lui paraîtra le plus favorable.

Ils ne pourront être arrêtés ni expulsés du pays, ni même transportés d'un point à un autre du territoire, sans motifs graves, sans que les formes légales soient observées à leur égard, et avant que les causes qui motiveront une pareille mesure et les documents qui en feront foi aient été, en temps opportun, communiqués aux agents Diplomatiques ou Consulaires de leur nation respective. Dans tous les cas, il sera accordé aux inculpés le temps nécessaire, selon les circonstances, pour présenter leurs moyens de justification et de défense, et pour prendre avec lesdits Agents Diplomatiques ou Consulaires les mesures nécessaires à la conservation de leurs biens et de ceux des tiers qui existeraient entre leurs mains. Les stipulations du présent Article ne pourront mettre obstacle à l'exécution des jugements prononcés par les tribunaux respectifs, conformément aux lois du pays.

IV. Les Français au Pérou et les Péruviens en France jouiront d'une entière et parfaite liberté de conscience et ne pourront être inquiétés pour leurs croyances religieuses, à la condition de respecter les lois et usages respectivement établis dans les deux pays en ce qui concerne la pratique extérieure de leurs cultes. Ils auront le droit



d'enterrer leurs morts dans les cimetières de leurs communions religieuses consacrés dans le pays, ou dans ceux qu'ils désigneraient ou établiraient avec l'assentiment de l'autorité compétente, ou, à défaut de cimetières, dans d'autres lieux convenables et décents, qui devront être protégés contre toute profanation.

V. Les sujets et citoyens de l'un et de l'autre Etat ne pourront être respectivement soumis à aucun embargo, ni être retenus avec leurs navires, équipages, marchandises et effets pour une expédition militaire, ni pour quelque usage public que ce soit, sans une indemnité convenue et fixée par les parties intéressées, préalablement acquittée, et suffisante pour cet usage, et pour les torts, pertes, retards et dommages occasionnés par le service auquel ils auraient été obligés ou qui pourraient en provenir. Lorsqu'il s'agira d'un service ou d'un usage privé qui ne se rattachera en rien à l'intérêt de l'Etat, ni à la salubrité publique, la propriété desdits sujets ou citoyens ne pourra être retenue ni employée sans leur consentement formel, alors même qu'il y aurait offre ou paiement d'une indemnité préalable.

VI. Les sujets ou citoyens de chacune des Hautes Parties Contractantes auront le droit, sur les territoires respectifs, d'acquérir et de posséder des biens meubles et immeubles, comme aussi d'en disposer par achat, vente, donation, échange, mariage, ou de toute autre manière ; et leurs héritiers testamentaires ou ab intestat, de même que leurs légataires, pourront entrer sans obstacle en possession de l'héritage et en disposer selon leur volonté, sans payer des droits de succession autres ni plus élevés que ceux auxquels seront soumis, dans des cas semblables, les nationaux du pays où les biens seront situés. A défaut des héritiers ou de leurs représentants, les biens en déshérence seront traités de la même manière que le seraient, en pareil cas, des biens appartenant aux nationaux.

VII. Si, malheureusement, par quelque circonstance qu'il ne serait possible ni de prévoir ni d'empêcher, la paix venait à être rompue entre les deux Etats, il est convenu, dans le but de diminuer les maux de la guerre, que les sujets ou citoyens de l'un d'eux résidant dans les villes, ports et territoires de l'autre, exerçant le commerce ou toute autre profession, pourront y demeurer et continuer leurs affaires, tant qu'ils se conduiront pacifiquement et ne se rendront coupables d'aucune offense contre les lois. Dans le cas où, leur conduite venant à inspirer contre eux de justes soupçons, ils perdraient ainsi ce privilège, et où les Gouvernements respectifs jugeraient nécessaire de les faire sortir du pays, il leur sera accordé un délai de 12 mois à compter de la publication de l'ordre ou du jour où il leur sera signifié, afin qu'ils puissent régler leurs intérêts et se retirer avec leurs familles, effets et propriétés. Dans ce but, on leur donnera le sauf-conduit nécessaire. Il demeure néanmoins entendu que les personnes qui se seront ainsi rendues suspectes pourront être trans-



férées, par les Gouvernements respectifs, sur les points de leurs propres territoires qu'ils jugeront à propos de désigner.

En aucun cas de guerre ou de collision entre les deux nations, les propriétés ou biens, de quelque nature qu'ils soient, des sujets ou citoyens respectifs, ne seront assujettis à aucune saisie ou séquestre, ni à d'autres charges et impositions que celles exigées des nationaux. De même, pendant l'interruption de la paix, les deniers dus par des particuliers, non plus que les titres de crédit public, ni les actions des banques ou autres, ne pourront être saisis, séquestrés ou confisqués au préjudice des sujets ou citoyens respectifs et au bénéfice des pays où ils se trouveront.

VIII. En aucun cas, les droits d'importation imposés en France sur les produits, quels qu'ils soient, du sol ou de l'industrie du Pérou, et réciproquement, ne pourront être autres ou plus élevés que ceux auxquels sont ou seront soumis les mêmes produits de la nation la plus favorisée; le même principe sera observé pour l'exportation.

Aucune prohibition ou restriction à l'importation ou à l'exportation de quelque article que ce soit n'aura lieu dans le commerce réciproque des deux pays, aucunes formalités ne pourront être exigées pour justifier de l'origine et de la provenance des marchandises respectivement importées dans l'un des deux Etats, qu'autant que les mêmes prohibitions, restrictions ou formalités seront également étendues à toutes les autres nations.

En résumé, le commerce Français au Pérou et le commerce Péruvien en France seront traités, dans tous les cas et sous tous les rapports, comme celui de la nation la plus favorisée.

IX. Tous les produits du sol ou de l'industrie de l'un des deux pays dont l'importation n'est point expressément prohibée payeront, dans les ports de l'autre, les mêmes droits d'importation, qu'ils soient chargés sur navires Français ou Péruviens. De même, les produits exportés supporteront les mêmes droits et jouiront des mêmes franchises, allocations et restitutions de droits qui sont ou pourront être réservées aux exportations faites sur bâtiments nationaux. Il est entendu, toutefois, que le mot allocation n'est, dans aucun cas, applicable aux primes que le Gouvernement de l'Empereur accorde à l'exportation des morues de pêche Française.

X. Les navires Français arrivant dans les ports du Pérou ou en sortant, et les navires Péruviens à leur entrée ou à leur sortie des ports de France, ne seront assujettis à d'autres ni à de plus forts droits de port, de phare, de tonnage, de pilotage, de quarantaine ou autres affectant le corps du bâtiment, que ceux auxquels sont ou seront soumis les navires nationaux. Les faveurs ou franchises qui font l'objet du présent Article ne s'étendent pas à la quotité que payent ou devront payer les navires, en raison de l'usage qu'ils font

ou feront des môles construits, soit par des entreprises particulières, soit par l'Etat ; en conséquence, les bâtimens des deux Parties Contractantes devront être assujettis aux conditions ou tarifs qui sont ou seront fixés par les entrepreneurs ou par le Gouvernement, aux navires étrangers : ils jouiront seulement sous ce rapport des concessions accordées à la nation la plus favorisée.

XI. Les droits de navigation, de tonnage et autres qui se prélèvent en raison de la capacité du navire seront perçus, pour les navires Français, dans les ports de la République du Pérou, d'après les énonciations contenues au manifeste ou autres papiers du bord : la même règle sera observée pour les navires Péruviens dans les ports de l'Empire Français.

XII. Les bâtimens Français entrant dans un port du Pérou, et, réciproquement, les bâtimens Péruviens entrant dans un port de France, dans le but d'y décharger seulement une partie de leur cargaison, pourront, en se conformant toutefois aux lois et réglemens des Etats respectifs, conserver à bord une partie de chargement qui serait destinée à d'autres ports du même Etat ou d'un autre pays, et la réexporter, sans être astreints à payer, pour cette dernière partie de leur cargaison, d'autres ou de plus forts droits que ceux que payent ou payeront les bâtimens nationaux dans des circonstances semblables ; le même principe s'applique au commerce d'échelle destiné à compléter les chargements de retour.

XIII. Lorsque, par suite de relâche forcée ou d'avarie constatée, les navires de commerce de l'une des deux Hautes Parties Contractantes entreront dans les ports de l'autre ou toucheront sur ses côtes, ils ne seront assujettis à aucun droit de navigation, sous quelque dénomination que ces droits soient respectivement établis, sauf les droits de pilotage et autres représentant le salaire de services rendus par des industries privées, pourvu que ces navires n'effectuent aucune opération de commerce, soit en chargeant, soit en déchargeant des marchandises. Dans le cas spécial d'avaries, il leur sera permis de déposer à terre, avec les précautions établies par les lois de Douane des pays respectifs, les marchandises composant leurs cargaisons, pour éviter qu'elles ne dépérissent, et il ne sera exigé d'eux d'autres droits que ceux relatifs au loyer des magasins ou dépôts publics qui leur seraient nécessaires pour déposer provisoirement ces marchandises pendant le temps employé à réparer les avaries du bâtiment.

XIV. Les deux Hautes Parties Contractantes conviennent que les dispositions du présent Traité ne seront pas considérées comme applicables à la navigation et au commerce de cabotage, c'est-à-dire qui ont lieu entre deux ports situés également sur le territoire de l'une d'elles ; en conséquence, la réglementation de ce commerce demeure réservée aux lois particulières des deux Etats.

Si, toutefois, l'une des deux Hautes Parties Contractantes, dérogeant à ses lois de navigation relatives au cabotage, accordait à une tierce Puissance le bénéfice de cette navigation, l'autre Partie pourra réclamer le même bénéfice, gratuitement si la concession a été gratuite, ou moyennant une compensation équivalente si la concession a été conditionnelle.

XV. Aux fins du présent Traité, seront respectivement considérés comme navires Français ou Péruviens : ceux qui navigueront sous le pavillon de l'un ou de l'autre Etat ; seront la propriété de sujets ou de citoyens de l'un ou de l'autre pays ; dont les capitaines seront également sujets ou citoyens dudit pays ; qui auront été immatriculés conformément aux lois de l'Etat dont ils portent le pavillon, et qui seront porteurs d'une patente régulièrement délivrée par l'autorité compétente. Les deux Hautes Parties Contractantes se réservent d'ailleurs le droit, si les intérêts de leur navigation venaient à souffrir de la teneur de cet Article, d'y apporter, d'un commun accord, les modifications qui leur paraîtraient convenables, aux termes de leur législation respective.

XVI. Les navires, marchandises et effets appartenant aux sujets ou citoyens de l'une des deux Hautes Parties Contractantes qui auraient été pris par des pirates, dans les limites de sa juridiction, ou en haute mer, et qui seraient conduits ou trouvés dans les ports, rivières, rades ou baies de la domination de l'autre, seront remis à leurs propriétaires, moyennant paiement préalable, s'il y a lieu, des frais de reprise qui seront déterminés par les tribunaux compétents, et lorsque le droit de propriété aura été prouvé devant ces mêmes tribunaux : il est bien entendu que la revendication devra en être faite dans le délai d'un an, par la partie intéressée, par ses fondés de pouvoir ou par les Agents des Gouvernements respectifs.

XVII. En tout ce qui concerne le placement des navires, leur chargement et leur déchargement dans les ports, rades, hâvres et mouillages, et en général, pour toutes les formalités d'ordre et de police auxquelles peuvent être soumis les navires de commerce, leurs équipages et leurs cargaisons, il ne sera accordé aux navires nationaux, dans l'un des deux Etats, aucun privilège, ni aucune faveur qui ne le soit également aux navires de l'autre Etat ; la volonté des Hautes Parties Contractantes étant que, sous ce rapport, les bâtiments Français et les bâtiments Péruviens soient traités sur le pied d'une parfaite égalité.

XVIII. Les bâtiments de guerre Français et les bâtiments de guerre Péruviens pourront respectivement entrer, séjourner et se radoubler dans les ports de la France et du Pérou, dont l'accès est accordé à la nation la plus favorisée ; ils y seront soumis aux mêmes règles et y jouiront des mêmes honneurs et privilèges.

**XIX.** Les deux Hautes Parties Contractantes adoptent dans leurs relations mutuelles les 4 principes de droit maritime proclamés dans la déclaration du 16 Avril, 1856, par les Plénipotentiaires de l'Autriche, de la France, de la Grande Bretagne, de la Prusse, de la Russie, de la Sardaigne, et de la Turquie, réunis au Congrès de Paris, et reconnus également par le Gouvernement du Pérou, aux termes de la résolution législative du 3 Octobre, 1857, savoir :

1°. La course est et demeure abolie ;

2°. Le pavillon neutre couvre la propriété ennemie, à l'exception de la contrebande de guerre ;

3°. La propriété neutre, à l'exception de la contrebande de guerre, n'est pas sujette à confiscation sous pavillon ennemi ;

4°. Les blocus, pour être obligatoires, doivent être effectifs, c'est-à-dire maintenus par une force suffisante, capable d'interdire réellement tout accès à la côte de l'ennemi.

**XX.** Comme conséquence des principes qui précèdent, les deux Hautes Parties Contractantes conviennent des points suivant :

1°. Les navires de celui des deux Etats qui demeurera neutre pourront naviguer librement d'un port ou d'un territoire ennemi à un autre neutre, d'un port ou d'un territoire neutre à un autre ennemi, et d'un port ou territoire ennemi à un autre également ennemi, à l'exception, bien entendu, des endroits ou des ports en état de blocus, et, dans tous les cas, la marchandise chargée à bord de ces navires, quel qu'en soit le propriétaire, sera libre, à l'exception, de la contrebande de guerre ; sera également libre tout individu embarqué à bord du bâtiment neutre, lors même qu'il serait sujet ou citoyen de l'Etat ennemi, pourvu qu'il ne soit pas actuellement au service de l'ennemi ou en destination pour y entrer.

2°. Les propriétés et les sujets ou citoyens de celle des deux Parties Contractantes qui demeurera neutre, tandis que l'autre sera engagée dans une guerre, seront à l'abri de toute confiscation et arrestation, même à bord d'un navire ennemi, à moins qu'il ne s'agisse de contrebande de guerre ou de personnes actuellement au service de l'ennemi ou à destination pour y entrer.

**XXI.** Sont réputés contrebande de guerre les articles suivants : armes blanches ou à feu, projectiles, poudre, articles d'équipement militaire et, en général, toute espèce d'armes ou d'instruments de fer, acier, cuivre, plomb ou de toute autre matière expressément fabriquée pour faire la guerre sur terre ou sur mer.

**XXII.** Aucun bâtiment de commerce appartenant à des sujets ou citoyens de l'un des deux Etats, qui aura été expédié pour un port bloqué par les forces de l'autre, ne pourra être saisi, capturé et condamné, si, préalablement, il ne lui a pas été fait une notifica-

tion de l'existence du blocus, par quelque bâtiment faisant partie de l'escadre de blocus.

Et pour que l'on ne puisse pas alléguer une prétendue ignorance des faits et que le navire qui aura été dûment averti soit dans le cas d'être capturé s'il vient à se présenter une seconde fois devant le même port, pendant la durée du blocus, le commandant du navire de guerre qui le rencontrera le premier devra inscrire sur les papiers de ce bâtiment le jour, le lieu et la hauteur où il l'aura visité et lui aura fait la notification dont il s'agit dans les formes voulues pour cette notification.

XXIII. Dans le cas où une des deux Hautes Parties Contractantes serait en guerre avec une tierce Puissance et où ses bâtiments de guerre auraient à exercer en mer le droit de visite, il est convenu que, s'ils rencontrent un navire de commerce appartenant à l'autre partie demeurée neutre, ils enverront à son bord, dans un canot, un officier chargé de le reconnaître et de procéder à l'examen des papiers relatifs à sa nationalité et à son chargement. Les commandants seront responsables dans leurs personnes et leurs biens de toute vexation, insulte ou acte de violence qui se commettrait dans cette occasion. La visite n'aura lieu qu'à bord des navires naviguant sans convoi; quant à ceux qui seront convoyés, il suffira que le commandant du convoi déclare verbalement, et sur sa parole d'honneur, que les bâtiments confiés à sa garde et protection appartiennent réellement à l'Etat dont il arbore le pavillon, et, si ces navires sont en destination d'un port ennemi, qu'ils ne portent point contrebande de guerre.

XXIV. Les articles de contrebande de guerre ci-dessus énumérés qui seront trouvés à bord d'un navire ayant pour destination un port ennemi seront sujets à saisie et confiscation, mais le reste du chargement et le navire lui-même demeureront libres pour que les propriétaires en puissent disposer selon leur convenance.

Aucun bâtiment appartenant à l'une des deux Hautes Parties Contractantes ne sera capturé en pleine mer pour porter de la contrebande de guerre, toutes les fois que le maître, capitaine ou subrécargue dudit bâtiment offrira de la livrer au navire capteur, à moins que cette contrebande ne soit en telle quantité et de tel volume qu'elle ne puisse être transbordée sans grave inconvénient; mais, dans ce cas et dans tous les autres où il y aurait lieu à juste saisie, le bâtiment saisi sera envoyé au port le plus rapproché, mais commode et sûr, pour y être jugé conformément aux lois.

XXV. Dans tous les cas de prises, les tribunaux établis pour juger de leur validité seront les seuls compétents; et toutes les fois que ces tribunaux auront rendu au profit de l'une des deux Hautes Parties Contractantes un jugement contre des navires, effets ou pro-

priétés réclamés par des sujets ou citoyens de l'autre partie, le jugement ou arrêt fera mention des motifs sur lesquels il sera fondé. Il sera, en outre, délivré au commandant, propriétaire ou agent desdits navires et effets, lorsqu'ils le demanderont, une expédition authentique du jugement ou arrêt, ou même de tout le dossier du procès, à la charge par eux de payer les droits légaux.

**XXVI.** Les deux Hautes Parties Contractantes se reconnaissent mutuellement le droit d'établir et d'entretenir les Agents Consulaires dans les villes, ports et autres lieux de leurs territoires respectifs qui seront ouverts au commerce étranger et où sera autorisée la résidence des fonctionnaires de cette classe.

**XXVII.** Le Gouvernement de Sa Majesté Impériale et celui de la République, en vue des exigences et de l'étendue du commerce qu'ils ont à protéger, pourront nommer leurs Agents Consulaires conformément à la classification suivante :

Consuls Généraux, Consuls, Elèves Consuls, Vice-Consuls, Agents Consulaires.

**XXVIII.** Afin d'établir une règle qui détermine d'une manière certaine les attributions des Consuls Généraux, Consuls, Elèves Consuls, Vice-Consuls et Agents Consulaires, et pour prévenir tous les doutes que pourraient soulever des questions difficiles relativement aux immunités et prérogatives Consulaires, les deux Parties Contractantes conviennent d'adopter le principe général suivant :

Les Consuls Généraux, Consuls, Vice-Consuls, et Agents Consulaires ont, comme une attribution exclusivement et essentiellement réservée à leur charge, celle de veiller à la protection et au développement du commerce de leurs compatriotes dans les lieux de leur résidence ; mais l'intervention dans les affaires qui se rapportent à d'autres intérêts que ceux purement commerciaux ou qui ont leur origine dans des rapports de quelque nature que ce soit avec les naturels du pays ou avec le Gouvernement, ne leur appartient que d'une manière subsidiaire, et à défaut d'un Agent Diplomatique de leur nation. La seconde partie de la stipulation qui fait l'objet du paragraphe qui précède ne s'étendra pas aux simples Agents Consulaires.

**XXIX.** La nomination des Consuls Généraux et Consuls qui devront résider au Pérou appartient exclusivement au Gouvernement de Sa Majesté Impériale ; de même la nomination des agents de même rang qui devront résider en France appartient exclusivement au Gouvernement Péruvien. Les Vice-Consuls et simples Agents Consulaires pourront être nommés par leurs Gouvernements respectifs, par les Agents Diplomatiques, ainsi que par les Consuls, quand ceux-ci auront reçu de leur Gouvernement l'autorisation de les nommer.

**XXX.** Aucun Consul, de quelque rang que ce soit, ne pourra



exercer ses fonctions, avant que la patente ou provision qui l'aura nommé ait été revêtue de l'exequatur du Gouvernement du pays où il devra résider, et avant que cet exequatur ait été notifié à l'autorité supérieure politique du lieu, s'il est Consul, Vice-Consul ou simple Agent Consulaire.

Les Hautes Parties Contractantes se réservent le droit de refuser leur exequatur aux patentes, lettres de provision ou de nomination Consulaire, comme aussi de retirer celui qui aurait été déjà accordé ; mais elles conviennent en même temps, pour que ce droit puisse s'exercer sans troubler leur bonne intelligence, de se communiquer les raisons qui auraient motivé le refus ou le retrait de l'exequatur.

XXXI. Chacune des Hautes Parties Contractantes s'engage à reconnaître aux Consuls Généraux, Consuls, Vice-Consuls et Agents Consulaires de l'autre, comme une attribution propre à l'exercice de leurs charges respectives, et dans la mesure et sous les modifications exprimées dans les Articles Spéciaux du présent Traité, le droit de connaître des affaires suivantes :

- 1°. Avaries ;
- 2°. Différends élevés entre le capitaine et les officiers ou équipages des navires de leur nation ;
- 3°. Police intérieure des bâtiments mouillés dans les ports de leurs résidences ;
- 4°. Déserteurs ;
- 5°. Sauvetages ;
- 6°. Décès et successions ab intestat ;
- 7°. Arbitrage sur des affaires de commerce ;
- 8°. Législation, certificats et déclarations.

XXXII. Toutes les fois qu'entre les propriétaires, armateurs ou assureurs il n'aura pas été fait de conventions spéciales pour le règlement des avaries qu'auraient éprouvées les navires ou les marchandises, en se rendant dans les ports de l'un des deux Etats, ce règlement appartiendra aux Consuls respectifs ; ceux-ci en connaîtront exclusivement, si ces avaries intéressent uniquement des individus de leur nation. Si d'autres habitants du Pays où résident les Consuls s'y trouvent intéressés, les Consuls désigneront, dans tous les cas, les experts qui devront connaître du règlement d'avaries ; ce règlement se fera à l'amiable, sous la direction des Consuls si les intéressés y consentent, et, dans le cas contraire, par l'intervention de l'autorité locale compétente.

XXXIII. La connaissance des différends survenus entre le capitaine et les officiers ou équipages d'un bâtiment Français ou Péruvien appartiendra aux Consuls du pays dont ce bâtiment portera le pavillon. L'intervention des autorités locales n'aura lieu que dans le cas où quelque sujet ou citoyen de l'Etat pour



lequel le navire sera destiné serait partie intéressée dans ces différends.

**XXXIV.** En tout ce qui concerne le chargement et le déchargement des navires, la police des ports, le transport et la sûreté des marchandises et effets appartenant aux nationaux, on appliquera les lois et règlements territoriaux.

Mais la police intérieure des bâtiments de commerce et le règlement des différends survenus entre le capitaine et les gens de l'équipage au sujet de leurs engagements et du paiement de leurs gages seront de la compétence exclusive des Consuls respectifs. Toutefois, les autorités locales connaîtront des désordres survenus à bord d'un navire Français mouillé dans un port du Pérou, ou à bord d'un navire Péruvien mouillé dans un port de France, si leur intervention est réclamée, si quelque individu du pays ne faisant pas partie de l'équipage ou quelque passager appartenant à une autre nation a pris part à ces désordres, ou si, enfin, ils sont de nature à troubler ou à menacer la tranquillité du port.

**XXXV.** Les Consuls de France au Pérou, de même que les Consuls du Pérou en France, pourront exiger des autorités locales l'arrestation et la détention des déserteurs des bâtiments marchands et des bâtiments de guerre, en justifiant toutefois de l'identité des individus ou de leur inscription sur le rôle d'équipage des navires. Si la détention a lieu sur un ponton ou dans une prison publique, elle sera aux frais de l'agent qui l'aura provoquée jusqu'au moment où les déserteurs seront réintégrés à bord du bâtiment auquel ils appartenaient ou sur tout autre navire de leur nation, s'ils sont sujets ou citoyens du même pays.

La remise des déserteurs pourra être refusée par les autorités locales dans deux cas seulement : 1°, s'il s'est écoulé un délai de 3 mois à compter du jour de l'emprisonnement, sans que le Consul ait pris aucune mesure à leur égard ; dans ce cas et pour ce seul fait, le déserteur sera mis en liberté, sans qu'il puisse être arrêté de nouveau pour la même cause ; 2°, si le déserteur s'est rendu coupable de quelque délit commis sur le territoire de la résidence du Consul. Dans ce cas, son extradition pourra être différée jusqu'à ce que le tribunal compétent ait statué sur le dernier délit et que le jugement intervenu ait reçu son entière exécution.

**XXXVI.** Les Consuls de France au Pérou et réciproquement les Consuls du Pérou en France dirigeront toutes les opérations relatives au sauvetage des navires de leur nation naufragés ou échoués sur les côtes du pays de leur résidence. L'intervention des autorités locales aura lieu seulement en l'absence des Consuls ou Agents Consulaires auxquels serait conférée cette attribution ; elles prendront les mesures nécessaires, conformément aux règlements et ordonnances de marine et de commerce, pour la protection

des naufragés et la conservation des objets sauvés, et même dans le cas où il existerait des Agents Consulaires, lesdites autorités auront le droit d'intervenir pour maintenir l'ordre et assurer l'exécution des lois spéciales de l'Etat relatives au sauvetage des marchandises ainsi qu'aux intérêts des sauveteurs.

Il est de plus convenu que les marchandises sauvées ne payeront de droits d'importation qu'autant qu'elles seraient destinées à la consommation intérieure.

**XXXVII.** Les Consuls auront droit d'intervenir, en cas de décès ab intestat de sujets ou citoyens de leurs nations respectives, en tout ce qui est relatif aux inventaires à dresser, à la sécurité, conservation, administration et liquidation de la succession, et d'en faire la remise aux héritiers légitimes ou à leurs mandataires dûment autorisés, en se conformant aux lois du pays, en tant qu'elles ne s'opposent pas à la concession de ce droit. Comme conséquence de cette stipulation, les Consuls respectifs pourront, au décès de leurs nationaux, quand ils n'auront pas fait de testament ni désigné d'exécuteur testamentaire, après avis donné au juge d'arrondissement et avec son intervention :

1°. Apposer les scellés, soit d'office, soit à la requête des parties intéressées, sur les effets mobiliers, y compris les valeurs métalliques et les bijoux, et sur les papiers du défunt, en prévenant d'avance de cette opération un des juges territoriaux compétents, qui pourra y assister, et même, s'il le juge convenable, croiser de ses scellés ceux qui auraient été apposés par le Consul, et dès lors ces doubles scellés ne seront levés que de concert. Toutefois, il est bien entendu que le juge ne pourra se refuser à obtempérer à la demande du Consul en pareil cas.

2°. Dresser aussi, en présence dudit juge compétent, si celui-ci croit devoir se présenter, l'inventaire de la succession et l'inviter à le signer.

3° Faire procéder, en temps opportun et suivant l'usage du pays, à la vente des effets mobiliers susceptibles de détérioration.

4° Administrer et liquider personnellement ou nommer sous leur responsabilité un agent pour administrer et liquider la succession, sans que l'autorité locale ait à intervenir dans ces nouvelles opérations, à moins qu'un ou plusieurs sujets ou citoyens du pays dans lequel sera ouverte ladite succession ou les sujets ou citoyens d'une tierce Puissance n'aient à faire valoir des droits dans cette même succession ; car, dans ce cas, et s'il survient pendant toute la durée des 12 mois qui suivront le jour du décès, des difficultés entre les intéressés, elles seront jugées par les tribunaux compétents du Pays, les Consuls agissant alors comme représentants de la succession. Il reste bien entendu, toutefois, que si ces intéressés, d'un commun accord, déclarent volontairement et formellement s'en

rapporter à la décision du Consul, pour le règlement de leurs droits sur ladite succession, les tribunaux territoriaux n'auront pas à intervenir.

5° Conserver en dépôt dans la caisse de leurs chancelleries respectives le produit net de la succession, lequel, après 12 mois révolus à dater du jour du décès, et après l'acquittement des dettes contractées dans le Pays par le défunt, et dont le paiement aura été réclamé avant l'expiration des 12 mois précités, sera délivré soit aux héritiers légitimes ou légataires, soit à leurs mandataires dûment autorisés. A défaut d'héritier ou de légataire, le produit de la succession sera transmis, après ledit terme de 12 mois, par les Consuls Français, à la caisse des dépôts et consignations à Paris, et, par les Consuls Péruviens, à la trésorerie de Lima.

Pour l'accomplissement des paragraphes précédents, les Consuls respectifs sont tenus de faire annoncer mensuellement, dans une des gazettes publiées dans leur arrondissement Consulaire, et ce, pendant une année, la mort du défunt et l'ouverture de la succession.

Il est, d'un autre côté, bien entendu que si, après les 12 mois écoulés à partir du décès et postérieurement à la délivrance des fonds et valeurs de la succession aux ayants droit ou à leur transmission par les Consuls des Etats respectifs, soit à la caisse des dépôts et consignations à Paris, soit à la trésorerie de Lima, il se présente des créanciers retardataires, ceux-ci auront toujours le droit de revendiquer le montant de leurs créances dûment constatées, sans qu'il puisse leur être opposé d'autre prescription que celle établie en matière civile par les lois du Pays auquel appartenait le défunt, et aux tribunaux duquel seront toujours déférées leurs réclamations.

Dans le cas où le défunt sera décédé à une distance telle de la résidence du Consul que celui-ci ne puisse pas s'y transporter immédiatement ou y envoyer, sous sa responsabilité, une personne de sa confiance, le juge compétent de la localité, après avoir prévenu sans retard le Consul de ce décès, procédera à l'apposition et à la levée des scellés, à la confection de l'inventaire et au retrait des effets mobiliers, valeurs métalliques et bijoux, à la vente desdits effets et à la transmission du montant intégral, sauf les frais judiciaires de ladite succession, au Consul, lequel en demeurera dépositaire, ainsi qu'il est convenu au 5ème paragraphe du présent Article. Le Consul pourra, dans l'intérêt des héritiers, exciter le zèle du juge, afin que ces diverses opérations s'accomplissent avec la plus grande célérité possible.

XXXVIII. Les Consuls respectifs pourront régler amiablement et extra-judiciairement les différends survenus entre leurs nationaux relativement à des affaires commerciales, toutes les fois que les

parties désireront se soumettre volontairement à un arbitrage de leur Consul, dans lequel cas la décision arbitrale du Consul, appuyée du consentement préalable donné par écrit par lesdites parties, obtiendra, devant l'autorité territoriale, la valeur d'un document obligatoire ayant force de jugement exécutoire à l'égard desdites parties intéressées.

**XXXIX.** Auront également une valeur légale et pourront faire foi en justice dans le pays de la résidence des Consuls, les attestations, traductions, certificats et légalisations qu'ils délivreraient revêtus du sceau du Consulat, pourvu que ces actes se rapportent à des faits ou à des Conventions passés entre sujets ou citoyens de leur nation, ou qu'ils concernent des personnes établies ou des choses situées sur le territoire de leurs pays. La stipulation contenue dans cet article s'appliquera, en outre, aux affaires qui intéresseront les citoyens ou sujets d'une 3<sup>me</sup> Puissance, lesquels se trouveraient accidentellement sous la protection d'un Consul Français ou Péruvien.

**XL.** Les deux Hautes Parties Contractantes stipulent que les Consuls Généraux, Consuls et Vice-Consuls, à défaut d'Agent Diplomatique de leur nation, pourront réciproquement s'adresser aux autorités supérieures de leur résidence ou au Gouvernement de l'Etat pour réclamer contre les infractions commises contre les Traités ou Conventions existant entre les deux pays, et pour appuyer les réclamations de leurs compatriotes qui auraient été injuriés ou lésés par quelque fonctionnaire ou quelque autorité du Pays.

**XLI.** En cas de mort ou d'absence d'un Consul Général ou Consul, et en toute autre circonstance qui l'empêcherait d'exercer ses fonctions, l'officier le plus élevé en grade de la résidence Consulaire prendra la gestion *ad intérim* du Consulat, après avoir été reconnu préalablement par le Gouvernement de l'Etat.

**XLII.** Les deux Hautes Parties Contractantes conviennent qu'il sera reconnu comme immunité inhérente aux personnes des Agents qu'elles accrédi teront réciproquement pour exercer les fonctions Consulaires une indépendance complète des autorités locales dans tout ce qui sera relatif à l'exercice de leurs fonctions.

**XLIII.** Les Consuls-Généraux, Consuls et Vice-Consuls, de même que les élèves Consuls et Chanceliers, ne pourront être somnés de comparaître comme témoins devant les tribunaux du pays de leur résidence. Quand la justice locale aura besoin de prendre auprès d'eux quelque information juridique, elle devra la leur demander par écrit, ou se transporter au Consulat pour la recueillir de vive voix.

**XLIV.** Les Consuls pourront arborer le pavillon aux couleurs de leur pays les jours de solennités publiques ou de fêtes civiles ou

religieuses ; ils pourront également placer au-dessus de la porte extérieure de la maison qu'ils occuperont, comme signe distinctif de leurs fonctions, un tableau aux armes de leur nation.

La prérogative stipulée au présent Article est un signe purement distinctif et ne pourra jamais être interprétée comme constituant un droit d'asile et comme entraînant l'idée d'exterritorialité.

XLV. Afin de garantir l'accomplissement de la stipulation de l'Article XLII, les archives, les chancelleries Consulaires et leurs papiers sont déclarés inviolables, de telle manière que, dans aucun cas et sous quelque prétexte que ce soit, il ne sera permis aux autorités locales de les saisir ni de les visiter.

XLVI. Les Consuls, ainsi que les élèves Consuls et chanceliers, jouiront, dans les deux pays, des privilèges généralement attribués à leurs charges, tels que l'exemption de tout service public, celle des logements militaires et celle de toutes les contributions directes, tant personnelles que mobilières ou somptuaires, à moins toutefois qu'ils ne soient sujets ou citoyens du Pays, ou qu'ils ne deviennent, soit propriétaires, soit possesseurs temporaires de biens immeubles, ou enfin qu'ils ne fassent le commerce ; pour lequel cas ils seront soumis aux mêmes taxes, charges et impositions que les autres particuliers.

XLVII. Indépendamment des stipulations qui précèdent, les deux Hautes Parties Contractantes conviennent que les Agents Diplomatiques, Consuls Généraux, Consuls, Elèves Consuls, Vice-Consuls, Agents Consulaires et Chanceliers, les sujets ou citoyens de toute classe, les navires de guerre et de commerce et les marchandises de l'un des deux Etats jouiront de plein droit dans l'autre des franchises, privilèges et immunités quelconques consentis ou à consentir en faveur de la nation la plus favorisée, et ce gratuitement, si la concession est gratuite, ou moyennant une compensation équivalente, si la concession est conditionnelle.

XLVIII. La République du Pérou jouira dans toutes les possessions et colonies de la France en Amérique, y compris la Guyane, ainsi que dans les établissements de l'Océanie, des mêmes droits et privilèges et de la même liberté de commerce et de navigation dont jouit actuellement ou dont jouira la nation la plus favorisée, et, réciproquement, les habitants desdites possessions, colonies et établissements de la France jouiront dans toute leur extension des mêmes droits et privilèges et de la même liberté de commerce et de navigation qui sont accordés par ce Traité, ou qui le seraient par des Traités postérieurs, dans le Pérou, aux Français Européens, à leur commerce et à leur navigation.

XLIX. Les deux Hautes Parties Contractantes déclarent solennellement et stipulent :

1°. Que, si un ou plusieurs sujets ou citoyens de l'un ou de l'autre

des deux Etats vient à enfreindre quelqu'un des articles contenus dans le présent Traité, lesdits sujets ou citoyens seront personnellement responsables, sans que pour cela la bonne harmonie et la réciprocité soient interrompues entre les deux nations, qui s'obligent à ne pas protéger l'infracteur ;

2°. Que si, malheureusement, une ou plusieurs des stipulations contenues dans le présent Traité venaient, en quelque manière que ce soit, à être violées ou enfreintes au préjudice d'une des deux Hautes Parties Contractantes, celle ci devra adresser à l'autre partie un exposé des faits, ainsi qu'une demande en réparation appuyée des documents et des preuves nécessaires pour établir la légitimité de la plainte ; mais elle ne pourra autoriser des représailles ni déclarer la guerre qu'autant que la réparation demandée aura été refusée ou arbitrairement différée.

L. Le présent Traité sera en vigueur pendant 10 ans à compter du jour de l'échange des ratifications ; mais si, une année avant l'expiration de ce délai, ni l'une ni l'autre des Hautes Parties Contractantes n'annonce par une déclaration officielle son intention d'en faire cesser l'effet, ledit Traité restera encore obligatoire jusqu'à l'expiration de l'année qui suivra la déclaration officielle en question faite par l'une des Parties.

Il est néanmoins convenu que, même dans le cas où cette déclaration aurait lieu dans les termes indiqués, elle n'aura pour effet d'annuler et d'abroger que celles des stipulations de ce Traité qui se rapportent au commerce et à la navigation ; quant à celles qui ont trait aux relations de paix et d'amitié entre les deux nations et à l'adoption des quatre principes de droit maritime proclamés par le Congrès de Paris, les deux Hautes Parties Contractantes entendent que le présent Traité reste perpétuellement en vigueur.

LI. Le présent Traité sera ratifié par les Gouvernements des deux Etats Contractants, et les ratifications en seront échangées à Lima, dans un délai de 18 mois ou avant, si faire se peut.

En foi de quoi les Plénipotentiaires des deux Hautes Parties Contractantes ont signé le présent Traité et y ont apposé leurs cachets.

Fait en double à Lima, le 9<sup>me</sup> jour du mois de Mars de l'an 1861.

(L.S.) E. DE LESSEPS.

(L.S.) JOSE FABIO MELGAR.

II. Notre Ministre Secrétaire d'Etat au Département des Affaires Etrangères est chargé de l'exécution du présent décret.

Fait à Paris, le 26 Février, 1862.

Par l'Empereur :

NAPOLEON.

*Le Ministre des Affaires Etrangères, THOUVENEL.*

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**DECRET de l'Empereur des Français, portant promulgation de la Convention Consulaire, conclue le 7 Janvier, 1861, entre la France et l'Espagne.—Paris, le 18 Mars, 1862.**

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NAPOLÉON, par la grâce de Dieu et la volonté nationale, Empereur des Français, à tous présents et à venir, Salut.

Sur le rapport de notre Ministre Secrétaire d'Etat au Département des Affaires Etrangères,

Avons décrété et décrétons ce qui suit :

ART. I. Une Convention Consulaire ayant été signée, le 7 Janvier, 1862, entre la France, et l'Espagne, et les ratifications de cet acte ayant été échangées à Madrid le 7 du présent mois de Mars, ladite Convention, dont la teneur suit, recevra sa pleine et entière exécution.

### CONVENTION.

Sa Majesté l'Empereur des Français et Sa Majesté la Reine des Espagnes, désirant déterminer, avec toute l'extension et la clarté possibles, les droits civils de leurs sujets respectifs, ainsi que les attributions des Agents Consulaires chargés de les protéger, ont résolu, d'un commun accord, de conclure une Convention spéciale qui embrasse ces deux objets, et ont nommé, à cet effet, pour leurs Plénipotentiaires :

Sa Majesté l'Empereur des Français, M. Adolphe Barrot, Grand Officier de l'Ordre Impérial de la Légion d'Honneur, Grand-Croix de l'Ordre Royal de Charles III d'Espagne, Grand-Cordon de l'Ordre de Léopold de Belgique, Grand-Croix de l'Ordre de Saint Janvier de Naples, Grand-Croix de l'Ordre Pontifical de Saint-Grégoire-le-Grand, Grand-Croix des Ordres de la Conception de Villaviciosa et du Christ de Portugal, &c., son Ambassadeur près Sa Majesté Catholique ;

Et Sa Majesté la Reine des Espagnes, D. Saturnino Calderon Collantes, ancien Ministre de l'Intérieur et du Commerce, de l'Instruction et des Travaux Publics, Sénateur du Royaume, Grand-Croix de l'Ordre Royal et Distingué de Charles III, Grand-Croix de l'Ordre Royal d'Isabelle-la-Catholique, Grand-Cordon de l'Ordre Impérial de la Légion d'Honneur de France, Grand-Cordon de l'Ordre de Léopold de Belgique, Grand-Croix de l'Ordre Pontifical de Pie IX, Grand-Croix de l'Ordre de Louis de Hesse-Darmstadt, Grand-Croix de l'Ordre du Danebrog de Danemark, Grand-Croix de l'Ordre de l'Etoile-Polaire de Suède, Grand-Croix de l'Ordre de la Conception de Villaviciosa de Portugal, Grand-Croix de l'Ordre des Guelphes du Hanovre, &c., son Premier Secrétaire d'Etat au Département des Affaires Etrangères ;

Lesquels, après avoir échangé leurs pleins pouvoirs et les avoir



trouvés en bonne et due forme, sont convenus des Articles suivants :

**ART. I.** Les sujets des deux pays pourront voyager et résider sur les territoires respectifs comme les nationaux ; s'établir où ils le jugeront convenable pour leurs intérêts ; acquérir et posséder toute espèce de biens meubles et immeubles ; exercer toute espèce d'industrie ; faire le commerce, tant en gros qu'en détail ; louer les maisons, magasins et boutiques qui leur seront nécessaires ; effectuer le transport des marchandises et de l'argent, et recevoir des consignations aussi bien de l'intérieur que de l'étranger, en payant les droits et patentes, et en observant, dans tous ces cas, les conditions établies par les lois et les règlements en vigueur pour les nationaux.

Ils auront le droit, dans leurs ventes et achats, d'établir le prix des effets, des marchandises et des objets quels qu'ils soient, tant importés que nationaux, soit qu'ils les vendent à l'intérieur du pays, soit qu'ils les destinent à l'exportation, sauf à se conformer aux lois et règlements du pays. Ils auront la faculté de faire et administrer eux-mêmes leurs affaires ou de se faire suppléer par des personnes dûment autorisées, soit dans l'achat ou la vente de leurs biens, effets et marchandises, soit pour le chargement, le déchargement et l'expédition de leurs navires.

**II.** Les Français en Espagne et les Espagnols en France jouiront réciproquement d'une constante et complète protection pour leurs personnes et leurs propriétés. Ils auront, en conséquence, un libre et facile accès auprès des tribunaux de justice, tant pour réclamer que pour défendre leurs droits, à tous les degrés de juridiction établis par les lois ; ils pourront employer dans toutes les instances les avocats, avoués et agents de toutes classes qu'ils jugeront à propos, et jouiront enfin, sous ce rapport, des mêmes droits ou avantages déjà accordés ou qui seraient accordés aux nationaux.

**III.** Les sujets de l'un et de l'autre Etat qui voudront se livrer au commerce ou s'établir, pour quelque but que ce soit, dans les pays respectifs, devront être pourvus d'un certificat d'immatriculation constatant leur qualité de Français ou d'Espagnols, qui leur sera délivré par les Agents Diplomatiques ou Consulaires de leur pays, sur la présentation des pièces propres à établir leur nationalité. Ce certificat sera visé par les autorités territoriales compétentes, et servira de titre à celui auquel il aura été délivré, pour justifier de sa nationalité et de son identité, dans les démarches qu'il aurait à faire, soit auprès des agents de sa nation, soit auprès des autorités du pays. Sans la présentation dudit certificat d'immatriculation, les autorités Françaises ne permettront, dans aucun cas, la résidence des Espagnols en France, ni les autorités Espagnoles, celle des Français en Espagne.

IV. Les Français en Espagne et les Espagnols en France seront soumis au paiement des contributions, tant ordinaires qu'extraordinaires, afférentes aux biens immeubles qu'ils possèdent dans le pays de leur résidence et à la profession ou industrie qu'ils y exercent, conformément aux lois et aux règlements généraux des États respectifs. Ils seront également soumis, comme les nationaux, aux charges et prestations en nature, ainsi qu'aux impôts municipaux, urbains, provinciaux ou départementaux auxquels ils pourraient être assujettis pour leurs biens meubles, leur profession ou industrie.

D'ailleurs, les Français en Espagne comme les Espagnols en France seront exempts de toute contribution de guerre, avances de contributions, prêts et emprunts et de toute autre contribution extraordinaire, de quelque nature qu'elle soit, qui serait établie dans l'un des deux pays, par suite de circonstances exceptionnelles, en tant que ces contributions ne seront pas imposées sur la propriété foncière.

Ils seront également exempts de toute charge ou emploi municipal et de tout service personnel, soit dans les armées de terre ou de mer, soit dans la garde ou milice nationale, ainsi que de toute réquisition aux services spéciaux de la milice, pourvu qu'ils présentent leurs certificats d'immatriculation délivrés par leurs ambassades, légations ou Consulats respectifs. Toutefois, les Français en Espagne et les Espagnols en France possédant des biens fonds ou tenant un établissement commercial ou industriel seront soumis, comme les nationaux, à la charge des logements militaires.

V. Les Espagnols nés en France, lesquels, ayant atteint l'âge de 20 ans, y seraient compris dans le contingent militaire, devront produire devant les autorités civiles ou militaires compétentes un certificat établissant qu'ils ont tiré au sort en Espagne. Et, réciproquement, les Français nés en Espagne, qui y seraient appelés au service militaire, devront, dans le cas où les documents présentés par eux ne paraîtraient pas suffisants pour établir leur origine, fournir, l'année suivante, aux autorités compétentes, à l'époque du tirage, un certificat constatant qu'ils ont satisfait à la loi de recrutement en France. A défaut de ce document en bonne forme, l'individu désigné par le sort pour le service militaire, dans la commune où il est né, devra faire partie du contingent de cette commune.

VI. Les sujets des deux États pourront disposer à leur volonté, par donation, vente, échange, testament ou de toute autre manière, de tous les biens qu'ils posséderaient dans les territoires respectifs, et retirer intégralement leurs capitaux du pays. De même, les sujets de l'un des deux États, habiles à hériter de biens situés dans

l'autre, pourront prendre possession sans empêchement des biens qui leur seraient dévolus, même ab intestat; et lesdits héritiers ou légataires ne seront pas tenus à acquitter des droits de succession autres ni plus élevés que ceux qui seraient imposés, dans des cas semblables, aux nationaux eux-mêmes.

VII. Les sujets des deux pays ne pourront être assujettis respectivement à aucune saisie, ni être retenus avec leurs navires, équipages, voitures et effets de commerce quels qu'ils soient, pour aucune expédition militaire ni pour aucun service public, sans qu'il soit accordé aux intéressés une indemnité préalablement convenue.

Ils seront néanmoins soumis aux réquisitions pour transports (*bagages*); mais, dans ce cas, ils auront droit à la rémunération officiellement établie par l'autorité compétente dans chaque département ou localité, pour les sujets du Pays.

VIII. Chacune des Hautes Parties Contractantes aura la faculté d'établir des Consuls-Généraux, Consuls et Vice-Consuls ou Agents Consulaires dans les ports, villes et lieux du territoire de l'autre; se réservant respectivement le droit d'en excepter les points qu'elles jugeraient convenables.

Toutefois, cette réserve ne pourra être appliquée à l'une des Hautes Parties Contractantes, sans qu'elle le soit également à toutes les autres Puissances.

IX. Pour que les Consuls-Généraux, Consuls et Vice-Consuls soient admis et reconnus comme tels, ils devront présenter leurs provisions sur la production desquelles l'exequatur leur sera délivré sans frais et suivant les formalités établies dans les pays respectifs.

Sur la présentation de l'exequatur, l'autorité supérieure du département, province ou district, dans lequel résideront lesdits agents donnera les ordres nécessaires aux autres autorités locales, pour que, sur tous les points de leur circonscription, ils soient protégés dans l'exercice de leurs fonctions officielles, et pour que les exemptions, prérogatives, immunités et privilèges conférés par la présente Convention leur soient garantis.

X. Les Consuls-Généraux, Consuls et Vice-Consuls sujets de l'Etat qui les nomme jouiront de l'exemption du logement militaire et de toute charge ou service public qui aurait un caractère municipal ou autre.

Ils seront de même exemptés des contributions directes, personnelles, mobilières ou somptuaires, imposées par l'Etat ou par les communes. Toutefois, si ces agents étaient commerçants, s'ils exerçaient quelque industrie ou possédaient des biens immeubles, ils seront considérés, en ce qui concerne les charges et contributions générales, comme les autres sujets de l'Etat auxquels ils appartiendront.

**XI. Les Consuls-Généraux, Consuls et Vice-Consuls ne seront pas tenus de paraître comme témoins devant les tribunaux du pays où ils résideront. Mais ils ne pourront refuser leurs déclarations à l'autorité judiciaire qui se transporterait à leur domicile pour les recevoir de vive voix, ou qui les leur demanderait par écrit, ou qui déléguerait à cet effet un fonctionnaire compétent en France, ou un notaire public en Espagne. Dans chacun de ces cas, ils devront satisfaire au désir de l'autorité dans le délai, au jour et à l'heure que celle-ci indiquera, sans opposer de retards inutiles.**

**XII. Les Consuls-Généraux, Consuls, et Vice-Consuls sujets de l'Etat qui les nomme jouiront de l'immunité personnelle, sans qu'ils puissent être arrêtés ni conduits en prison, si ce n'est pour crimes, à moins que lesdits agents ne soient sujets du pays de leur résidence ou commerçants, auquel cas cette immunité personnelle ne devra s'entendre que des dettes ou autres causes civiles, n'impliquant pas de délit ou l'idée d'un délit, ou qui ne se rapporteraient pas au commerce qu'ils exerceraient eux-mêmes ou par leurs employés.**

**XIII. Les Consuls-Généraux, Consuls, et Vice-Consuls pourront placer, au-dessus de la porte extérieure du Consulat ou Vice-Consulat, l'écusson des armes de leur nation, avec cette inscription : "Consulat ou Vice-Consulat de . . . ."**

Ils pourront également arborer le pavillon de leur pays sur la maison consulaire, aux jours de solennités publiques, religieuses ou nationales, ainsi que dans les autres circonstances d'usage ; mais l'exercice de ce double privilège cessera, si lesdits agents résident dans la capitale où se trouve l'Ambassade ou la Légation de leur pays.

Ils pourront de même arborer le pavillon national sur le bateau qu'ils monteraient dans le port, pour l'exercice de leurs fonctions.

**XIV. Les archives Consulaires seront inviolables en tout temps, et les autorités locales ne pourront sous aucun prétexte visiter ni saisir les papiers qui en font partie.**

Ces papiers devront toujours être complètement séparés des livres ou papiers relatifs au commerce ou à l'industrie que pourraient exercer les Consuls ou Vice-Consuls respectifs.

**XV. En cas d'empêchement, d'absence ou de décès des Consuls-Généraux, Consuls, et Vice-Consuls, les Elèves-Consuls, les Chanceliers et Secrétaires qui auraient été présentés antérieurement en leur qualités aux autorités respectives seront admis de plein droit, dans leur ordre hiérarchique, à exercer, par intérim, les fonctions Consulaires, sans que les autorités locales puissent y mettre aucun obstacle. Au contraire, celles-ci devront leur prêter assistance et protection, et leur assurer, pendant leur gestion intérimaire, la jouissance des exemptions, prérogatives, immunités et privilèges**

reconnus par la présente Convention aux Agents Consulaires respectifs.

XVI. Les Consuls-Généraux et Consuls pourront nommer des Vice-Consuls ou Agents Consulaires dans les villes, ports et localités de leurs arrondissements Consulaires respectifs, sauf l'approbation du Gouvernement territorial.

XVII. Les mendiants ou les vagabonds, déclarés tels par les lois de chacun des deux pays, et qui auraient été détenus à la demande des Agents Consulaires respectifs ou par ordre des autorités territoriales pour être expulsés du pays, seront mis à la disposition desdits agents. Ceux-ci seront tenus de pourvoir à leur entretien, jusqu'au moment où ils auront pris les mesures nécessaires pour les rapatrier, et les autorités territoriales devront leur prêter, à cet effet, un appui efficace.

XVIII. Les Consuls-Généraux, Consuls, et Vice-Consuls ou Agents Consulaires pourront s'adresser aux autorités de leur arrondissement Consulaire, pour réclamer contre toute infraction aux Traités ou Conventions existant entre les deux pays, et contre tout abus dont leurs nationaux auraient à se plaindre. Si leurs réclamations n'étaient pas accueillies par les autorités de leur arrondissement Consulaire, ou si les résolutions prises par celles-ci ne leur paraissaient pas satisfaisantes, ils pourront avoir recours, à défaut d'un Agent Diplomatique de leur pays, au Gouvernement de l'Etat dans lequel ils résideraient.

XIX. Les Consuls-Généraux, Consuls, et Vice-Consuls ou Agents Consulaires des deux pays, ou leurs chanceliers, auront le droit de recevoir dans leurs chancelleries, au domicile des parties et à bord des navires de leur nation, les déclarations que pourront avoir à faire les capitaines, les gens de l'équipage et les passagers, les négociants et tous autres sujets de leur pays.

Ils seront également autorisés à recevoir, comme notaires, les dispositions testamentaires de leurs nationaux et tous autres actes notariés, lors même que lesdits actes auraient pour objet de conférer hypothèque.

Lesdits agents auront, en outre, le droit de recevoir dans leurs chancelleries tous actes conventionnels passés entre un ou plusieurs de leurs nationaux et d'autres personnes du pays dans lequel ils résident, comme aussi tous les actes qui, quoique d'un intérêt exclusif pour les sujets du pays dans lequel ils sont dressés, concerneraient des biens situés ou des affaires à traiter sur un point quelconque du territoire de la nation à laquelle appartient le Consul ou Vice-Consul par qui lesdits actes seront rédigés. Les copies ou extraits de ces actes, dûment légalisés par lesdits agents et scellés du sceau officiel des Consulats ou Vice-Consulats, feront foi, tant

en justice que hors de justice, aussi bien dans les possessions de la France que dans celles de l'Espagne, et auront la même force et valeur que s'ils avaient été passés devant un notaire ou autres officiers publics de l'un ou de l'autre pays, pourvu que ces actes aient été rédigés dans les formes requises par les lois de l'Etat auquel appartiennent les Consuls et Vice-Consuls, et qu'ils aient ensuite été soumis au timbre, à l'enregistrement ou à toute autre formalité en usage dans le pays où l'acte devra recevoir son exécution.

Dans le cas où un doute s'élèverait sur l'authenticité de l'expédition d'un acte public, enregistré à la chancellerie d'un des Consulats respectifs, on ne pourra en refuser la confrontation avec l'original à l'intéressé qui en fera la demande et qui pourra assister à cette collation, s'il le juge convenable.

Les Consuls-Généraux, Consuls, et Vice-Consuls ou Agents Consulaires respectifs pourront traduire toute espèce de documents émanés des autorités ou fonctionnaires de leur pays, et ces traductions auront, dans le pays de leur résidence, la même force et valeur que si elles eussent été faites par les interprètes jurés du pays.

**XX.** En cas de décès d'un sujet de l'une des Parties Contractantes sur le territoire de l'autre, les autorités locales devront en donner avis immédiatement au Consul-Général, Consul, Vice-Consul ou Agent Consulaire dans la circonscription duquel ledit décès aura eu lieu. Ceux-ci, de leur côté, devront donner le même avis aux autorités locales, lorsqu'ils en seront informés les premiers.

Quand un Français en Espagne ou un Espagnol en France sera mort sans avoir fait de testament ni nommé d'exécuteur testamentaire, ou si les héritiers, soit naturels, soit désignés par le testament, étaient mineurs, incapables ou absents, ou si les exécuteurs testamentaires nommés ne se trouvaient pas dans le lieu où s'ouvrira la succession, les Consuls-Généraux, Consuls, et Vice-Consuls ou Agents Consulaires de la nation du défunt auront le droit de procéder successivement aux opérations suivantes :

1°. Apposer les scellés, soit d'office, soit à la demande des parties intéressées, sur tous les effets, meubles et papiers du défunt, en prévenant de cette opération l'autorité locale compétente, qui pourra y assister et apposer également ses scellés.

Ces scellés, non plus que ceux de l'Agent Consulaire, ne devront pas être levés sans que l'autorité locale assiste à cette opération.

Toutefois, si, après un avertissement adressé par le Consul ou Vice-Consul à l'autorité locale pour l'inviter à assister à la levée des doubles scellés, celle-ci ne s'était pas présentée dans un délai de 48 heures, à compter de la réception de l'avis, cet agent pourra procéder seul à ladite opération ;



2°. Former l'inventaire de tous les biens et effets du défunt, en présence de l'autorité locale, si, par suite de la notification susindiquée, elle avait cru devoir assister à cet acte.

L'autorité locale apposera sa signature sur les procès-verbaux dressés en sa présence, sans que, pour son intervention d'office dans ces actes, elle puisse exiger des droits d'aucune espèce ;

3°. Ordonner la vente aux enchères publiques de tous les effets mobiliers de la succession qui pourraient se détériorer et de ceux d'une conservation difficile, comme aussi des récoltes et effets, pour l'aliénation desquels il se présentera des circonstances favorables ;

4°. Déposer en lieu sûr les effets et valeurs inventoriés, le montant des créances que l'on réalisera, ainsi que le produit des rentes que l'on percevra, dans la maison Consulaire ou dans celle de quelque commerçant de la confiance du Consul ou Vice-Consul. Ces dépôts devront avoir lieu, dans l'un ou l'autre cas, d'accord avec l'autorité locale qui aura assisté aux opérations antérieures, si, par suite de la convocation dont va traiter le paragraphe suivant, des sujets du pays ou d'une Puissance tierce se présentaient comme intéressés dans la succession ab intestat ou testamentaire ;

5°. convoquer, au moyen des journaux de la localité et de ceux du pays du défunt, si cela était nécessaire, les créanciers qui pourraient exister contre la succession ab intestat ou testamentaire, afin qu'ils puissent présenter leurs titres respectifs de créance, dûment justifiés, dans le délai fixé par les lois de chacun des deux pays.

S'il se présentait des créanciers contre la succession testamentaire ou ab intestat, le paiement de leurs créances devra s'effectuer dans le délai de 15 jours après l'inventaire, fini, s'il y avait l'argent nécessaire pour acquitter ces créances, et dans le cas contraire, aussitôt que les fonds nécessaires auront pu être réalisés par les moyens les plus convenables ; ou enfin dans le délai consenti, d'un commun accord, entre les Consuls et la majorité des intéressés.

Si les Consuls respectifs se refusaient au paiement de tout ou partie des créances, en alléguant l'insuffisance des valeurs de la succession pour les satisfaire, les créanciers auront le droit de demander à l'autorité compétente, s'ils le jugeaient utile à leurs intérêts, la faculté de se constituer en état d'union (*en concurso necesario de acreedores*).

Cette déclaration obtenue par les voies légales, établies dans chacun des deux pays, les Consuls ou Vice-Consuls devront faire immédiatement la remise à l'autorité judiciaire ou aux syndics de la faillite, selon qu'il appartiendra, de tous les documents, effet ou valeurs appartenant à la succession testamentaire ou ab intestat ; lesdits agents demeurant chargés de représenter les héritiers absents, les mineurs et les incapables ;



6°. Administrer et liquider eux-mêmes, ou par une personne qu'ils nommeront sous leur responsabilité, la succession testamentaire ou ab intestat, sans que l'autorité locale ait à intervenir dans lesdites opérations, à moins que des sujets du pays ou d'une tierce Puissance n'aient à faire valoir des droits dans la succession; car, en ce cas, s'il survenait des difficultés, provenant notamment de quelque réclamation, donnant lieu à contestation, les Consuls-Généraux, Consuls, Vice-Consuls et Agents Consulaires n'ayant aucun droit pour terminer ou résoudre ces difficultés, les tribunaux du pays devront en connaître selon qu'il leur appartient d'y pourvoir ou de les juger.

Lesdits Agents Consulaires agiront alors comme représentants de la succession testamentaire ou ab intestat, c'est-à-dire que, conservant l'administration et le droit de liquider définitivement ladite succession, comme aussi celui d'effectuer les ventes d'effets dans les formes précédemment indiquées, ils veilleront aux intérêts des héritiers et auront la faculté de désigner des avocats chargés de soutenir leurs droits devant les tribunaux. Il est bien entendu qu'ils remettront à ces tribunaux tous les papiers et documents propres à éclairer la question soumise à leur jugement.

Le jugement prononcé, les Consuls-Généraux, Consuls et Vice-Consuls ou Agents Consulaires devront l'exécuter s'ils ne forment pas appel, et ils continueront alors de plein droit la liquidation, qui aurait été suspendue jusqu'à la conclusion du litige;

Et 7°. Organiser, s'il y a lieu, la tutelle ou curatelle, conformément aux lois des pays respectifs.

XXI. Lorsqu'un Français en Espagne et un Espagnol en France sera décédé sur un point où il ne se trouverait pas d'Agent Consulaire de sa nation, l'autorité territoriale compétente procédera, conformément à la législation du pays, à l'inventaire des effets et à la liquidation des biens qu'il aura laissés, et sera tenu de rendre compte, dans le plus bref délai possible, du résultat de ces opérations à l'ambassade ou à la légation qui doit en connaître, ou au Consulat ou Vice-Consulat le plus voisin du lieu où se sera ouverte la succession ab intestat ou testamentaire.

Mais, dès l'instant que l'Agent Consulaire le plus rapproché du point où serait ouverte ladite succession ab intestat ou testamentaire se présenterait personnellement ou enverrait un délégué sur les lieux, l'autorité locale qui sera intervenue devra se conformer à ce que prescrit l'Article XX de cette Convention.

XXII. Les Consuls-Généraux, Consuls et Vice-Consuls, ou Agents Consulaires des deux nations connaîtront exclusivement des actes d'inventaires et des autres opérations pratiquées pour la conservation des biens héréditaires, laissés par les gens de mer et les passagers de leur nation qui décéderaient à terre ou à bord des

navires de leur pays, soit pendant la traversée, soit dans le port de leur arrivée.

**XXIII.** Les Consuls-Généraux, Consuls et Vice-Consuls, ou Agents Consulaires pourront aller personnellement ou envoyer des délégués à bord des navires de leur nation après qu'ils auront été admis en libre pratique; interroger les capitaines et l'équipage; examiner les papiers de bord; recevoir les déclarations sur leur voyage, leur destination et les incidents de la traversée; dresser les manifestes et faciliter l'expédition de leurs navires; enfin les accompagner devant les tribunaux de justice et dans les bureaux de l'administration du pays, pour leur servir d'interprètes et d'agents dans les affaires qu'ils auront à suivre ou les demandes qu'ils auraient à former.

Il est convenu que les fonctionnaires de l'ordre judiciaire et les gardes et officiers de la Douane ne pourront, en aucun cas, opérer ni visites ni recherches à bord des navires, sans être accompagnés par le Consul ou Vice-Consul de la nation à laquelle ces navires appartiennent. Ils devront également donner avis, en temps opportun, aux-dits Agents Consulaires, pour qu'ils assistent aux déclarations que les capitaines et les équipages auront à faire devant les tribunaux et dans les administrations locales, afin d'éviter ainsi toute erreur ou fausse interprétation qui pourrait nuire à l'exacte administration de la justice.

La citation qui sera adressée aux Consuls et Vice-Consuls pour ces sortes de diligences indiquera une heure précise, et si les Consuls et Vice-Consuls négligeaient de s'y rendre en personne ou dans la personne d'un délégué, il sera procédé en leur absence.

**XXIV.** En tout ce qui concerne la police des ports, le chargement et le déchargement des navires et la sûreté des marchandises, biens et effets, on observera les lois, ordonnances et règlements du pays.

Les Consuls-Généraux, Consuls et Vice-Consuls, ou Agents Consulaires seront chargés exclusivement du maintien de l'ordre intérieur à bord des navires marchands de leur nation; ils régleront eux-mêmes les contestations de toute nature qui seront survenues entre le capitaine, les officiers du navire et les matelots et spécialement celles relatives à la solde et à l'accomplissement des engagements réciproquement contractés.

Les autorités locales ne pourront intervenir que lorsque les désordres survenus à bord des navires seraient de nature à troubler la tranquillité et l'ordre publics, à terre ou dans le port, ou quand une personne du pays ou ne faisant pas partie du rôle de l'équipage s'y trouvera mêlée.

Dans tous les autres cas, les autorités précitées se borneront à prêter tout appui aux Consuls et Vice-Consuls si elles en sont

requis par eux, pour faire arrêter et conduire en prison quelqu'un des hommes inscrits sur le rôle de l'équipage, chaque fois que, pour un motif quelconque, lesdits Agents le jugeront convenable.

**XXV.** Les Consuls-Généraux, Consuls et Vice-Consuls, ou Agents Consulaires pourront faire arrêter et renvoyer, soit à bord, soit dans leur pays, les marins et quelque autre personne que ce soit, faisant partie de l'équipage des navires marchands de leur nation qui auraient déserté.

A cet effet, ils devront s'adresser par écrit, aux autorités locales compétentes, et justifier, au moyen de la présentation des registres du navire ou du rôle de l'équipage, ou, si le navire était parti, par une copie authentique des documents susénoncés, que les personnes réclamées faisaient réellement partie de l'équipage. En vue de cette demande ainsi justifiée, on ne pourra refuser la remise de ces individus. On donnera, en outre, auxdits Agents Consulaires tout secours et toute assistance pour la recherche et l'arrestation de ces déserteurs, lesquels seront conduits dans les prisons du pays et y seront détenus à la demande et aux frais du Consul ou Vice-Consul, jusqu'à ce que celui-ci trouve une occasion pour les rapatrier.

Cet emprisonnement ne pourra durer plus de 3 mois; après lesquels, et moyennant un avis donné au Consul 3 jours à l'avance, la liberté sera rendue au prisonnier, qui ne pourra être incarcéré de nouveau pour la même cause.

Toutefois, si le déserteur avait commis quelque délit à terre, l'autorité locale pourra surseoir à l'extradition jusqu'à ce que le tribunal ait rendu sa sentence, et que celle-ci ait reçu pleine et entière exécution,

Les Hautes Parties Contractantes conviennent que les marins ou autres individus de l'équipage, sujets du pays dans lequel s'effectuera la désertion, sont exceptés des stipulations du présent Article.

**XXVI.** A moins de stipulations contraires entre les armateurs chargeurs et assureurs, les avaries que les navires des deux pays auront souffertes en mer, soit qu'ils entrent dans les ports respectifs volontairement ou par relâche forcée, seront toujours réglées par les Consuls-Généraux, Consuls ou Vice-Consuls de leur nation; à moins que des sujets du pays dans lequel résident lesdits Agents, ou ceux d'une tierce Puissance ne se trouvent intéressés dans ces avaries, car, dans ce cas, il appartiendra à l'autorité locale compétente d'en prendre connaissance et de les régler, s'il n'y a pas entente et conciliation entre tous les intéressés.

**XXVII.** Lorsqu'un navire appartenant au Gouvernement ou à des sujets de l'une des Hautes Parties Contractantes fera naufrage ou échouera sur le littoral de l'autre, les autorités locales devront porter le fait à la connaissance du Consul-Général, Consul, Vice-

Consul ou Agent Consulaire de la circonscription et, à son défaut, à celle du Consul-Général, Consul, Vice-Consul ou Agent Consulaire le plus voisin du lieu où l'accident sera arrivé.

Toutes les opérations relatives au sauvetage des navires Français, qui naufrageraient ou échoueraient dans les eaux territoriales de l'Espagne, seront dirigées par les Consuls-Généraux, Consuls, Vice-Consuls ou Agents Consulaires de France ; et, réciproquement, toutes les opérations relatives au sauvetage des navires Espagnols, qui naufrageraient ou échoueraient dans les eaux territoriales de la France, seront dirigées par les Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires d'Espagne.

L'intervention des autorités locales n'aura lieu, dans les deux pays, que pour donner aux Agents Consulaires les secours qui seront nécessaires pour maintenir l'ordre, garantir les intérêts des sauveteurs s'ils sont étrangers à l'équipage, et assurer l'exécution des dispositions à observer pour l'entrée et la sortie des marchandises sauvées.

En l'absence et jusqu'à l'arrivée des Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires ou de la personne qu'ils délègueront à cet effet, les autorités locales devront prendre toutes les mesures nécessaires pour la protection des individus et la conservation des objets qui auront été sauvés du naufrage.

L'intervention des autorités locales dans ces différents cas n'occasionnera de frais d'aucune espèce, hors ceux auxquels donneront lieu les opérations du sauvetage et la conservation des objets sauvés, ainsi que ceux auxquels seraient soumis, en pareils cas, les navires nationaux.

En cas de doute sur la nationalité des navires naufragés, les dispositions mentionnées dans le présent Article seront de la compétence exclusive de l'autorité locale.

Les Hautes Parties Contractantes conviennent, en outre, que les marchandises et effets sauvés ne seront sujets au paiement d'aucun droit de Douane, à moins qu'on ne les destine à la consommation intérieure.

XXVIII. En tout ce qui concerne le placement des navires, leur chargement et déchargement dans les ports, bassins et rades des deux Etats, l'usage des magasins publics, grues, balances et autres machines de ce genre, et généralement, pour toutes les facilités et dispositions relatives aux arrivages, séjours, entrées et départs des navires, le traitement national sera accordé dans les deux pays, sans aucune différence ; l'intention formelle des Hautes Parties Contractantes étant d'établir, à ce sujet, l'égalité la plus parfaite entre les sujets des deux nations.

XXIX. Toutes les dispositions de la présente Convention seront applicables et recevront leur exécution en France et dans

les provinces de l'Algérie, comme dans la péninsule Espagnole, les îles adjacentes, Baléares et Canaries et dans les possessions Espagnoles du nord de l'Afrique qui sont ouvertes actuellement ou qui pourraient l'être plus tard au commerce étranger.

Toutefois, attendu la situation spéciale où se trouve l'Algérie, le Gouvernement de Sa Majesté Catholique ne s'opposera pas à ce que les sujets Espagnols qui y sont établis prennent les armes dans les cas urgents, avec la permission de l'autorité Française, pour la défense de leurs foyers, mais ils ne pourront, en aucune manière, être mobilisés.

**XXX.** Les clauses de cette Convention relatives aux successions testamentaires et ab intestat, aux naufrages et sauvetages, seront applicables aux possessions d'outre mer de l'un et de l'autre Etat, sous les réserves que comporte le régime spécial auquel ces possessions sont soumises.

Il demeure convenu, en outre, que les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires respectifs, ainsi que les Chanceliers, Secrétaires, Elèves ou Attachés Consulaires, jouiront dans les deux pays de toutes les exemptions, prérogatives, immunités et privilèges qui sont accordés ou seraient accordés aux agents de la même classe de la nation la plus favorisée.

**XXXI.** La présente Convention sera en vigueur pour 10 années, à dater du jour de l'échange des ratifications ; mais, si aucune des Hautes Parties Contractantes n'avait annoncé officiellement à l'autre, une année avant l'expiration de ce terme, son intention d'en faire cesser les effets, elle continuera à être en vigueur pour les deux parties jusqu'à ce que cette déclaration ait été faite, et pendant une année encore, quelle que soit l'époque à laquelle elle aura eu lieu.

**XXXII.** La présente Convention sera approuvée et ratifiée par les deux Hautes Parties Contractantes, et les ratifications seront échangées à Madrid, dans le délai de deux mois ou plus tôt si cela est possible.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé le sceau de leurs armes.

Fait à Madrid, en double original, le 7<sup>me</sup> jour du mois de Janvier, de l'an de grâce, 1862.

(L.S.) A. BARROT.

(L.S.) SATURNINO CALDERON COLLANTES.

II. Notre Ministre et Secrétaire d'Etat au Département des Affaires Etrangères est chargé de l'exécution du présent décret.

Fait à Paris, le 18 Mars, 1862.

Par l'Empereur :

NAPOLEON.

*Le Ministre des Affaires Etrangères, THOUVENEL.*

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*DECRET de l'Empereur des Français, portant promulgation de la Convention, conclu le 15 Février, 1862, pour le Règlement Définitif de la Dette de l'Espagne envers la France.— Fontainebleau, le 18 Juin, 1862.*

NAPOLEON, par la grâce de Dieu et la volonté nationale, Empereur des Français, à tous présents et à venir, Salut.

Sur le rapport de notre Ministre Secrétaire d'Etat au Département des Affaires Etrangères,

Avons décrété et décrétons ce qui suit :

ART. I. Une Convention relative au règlement définitif de la dette de l'Espagne envers la France ayant été conclue le 15 Février, 1862, et les ratifications de cet acte ayant été échangées à Paris, le 15 Juin, 1862, ladite Convention, dont la teneur suit, recevra sa pleine et entière exécution.

### CONVENTION.

Sa Majesté l'Empereur des Français et Sa Majesté la Reine des Espagnes, désirant également mettre fin aux difficultés qu'a rencontrées jusqu'ici l'exécution de la Convention signée à Madrid le 30 Décembre, 1828,\* ont décidé de conclure dans ce but une nouvelle Convention, et ont nommé, à cet effet, pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur des Français, M. Edouard-Antoine Thouvenel, Sénateur, Grand-Croix de son Ordre Impérial de la Légion d'Honneur, de l'Ordre Royal et distingué de Charles III d'Espagne, &c., son Ministre et Secrétaire d'Etat au Département des Affaires Etrangères ;

Et Sa Majesté la Reine des Espagnes, M. Alexandre Mon, Grand-Croix de l'Ordre Royal et distingué de Charles III, de l'Ordre Impérial de la Légion d'Honneur, &c., son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté l'Empereur des Français ; lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont tombés d'accord sur les Articles suivants :

ART. I. Le Gouvernement Espagnol s'engage à remettre au Gouvernement Français des titres de la dette d'Espagne 3 pour cent consolidée intérieure, jusqu'à concurrence de 25,000,000 de francs effectifs, aux taux et change de la bourse de Paris, à la date du 7 Février, jour où les Conventions verbales ont été arrêtées.

II. Le jour où les titres de rente spécifiés par l'Article précédent seront remis au Gouvernement Français, celui-ci restituera au Gouvernement Espagnol l'inscription nominative qui lui fut livrée aux termes de la Convention du 30 Décembre, 1828, ainsi que tous les

autres titres de créance qui, en vertu de la même Convention, pourraient se trouver entre ses mains.

III. Le Gouvernement Français renonce à toute autre somme qui pourrait lui être due par l'Espagne, soit en capital, soit en intérêts, en vertu de la Convention du 30 Décembre, 1828, et de celles des 29 Janvier, 9 Février, 30 Juin,\* et 10 Décembre, 1824;† lesdits Conventions demeurant complètement abrogées.

IV. La remise réciproque des titres de rente Espagnole, de l'inscription nominative et des autres titres de créance, dont il est question aux Articles I et II, s'effectuera au même moment que l'échange des ratifications sur la présente Convention.

V. L'échange des ratifications de cette Convention aura lieu à Paris dans le délai d'un mois, ou plus tôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé le cachet de leurs armes.

Fait en double expédition, à Paris, le 15 Février de l'an de grâce 1862.

(L.S.) THOUVENEL.

(L.S.) ALEXANDRE MON.

II. Notre Ministre et Secrétaire d'Etat au Département des Affaires Etrangères est chargé de l'exécution du présent Décret.

Par l'Empereur :

NAPOLÉON.

*Le Ministre des Affaires Etrangères*, THOUVENEL.

**DECRET de l'Empereur des Français, portant promulgation de la Convention, conclue le 15 Février, 1862, entre la France et l'Espagne, relativement aux Séquestres et Prises Maritimes opérés pendant les années 1823 et 1824.—Fontainebleau, le 18 Juin, 1862.**

NAPOLÉON, par la grâce de Dieu et la volonté nationale, Empereur des Français, à tous présents et à venir, Salut.

Sur le rapport de notre Ministre et Secrétaire d'Etat au Département des Affaires Etrangères,

Avons décrété et décrétons ce qui suit :

ART. I. Une Convention ayant été signée, le 15 Février, 1862, entre la France et l'Espagne, relativement aux séquestres et prises maritimes opérés pendant les années 1823 et 1824, et les ratifications de cet acte ayant été échangées à Paris, le 15 Juin, 1862, ladite Convention, dont la teneur suit, recevra sa pleine et entière exécution.

\* Vol. XI. Pages 322, 340.

† Vol. XII. Page 956.



## CONVENTION.

Sa Majesté l'Empereur des Français et Sa Majesté la Reine des Espagnes, voulant mettre un terme aux réclamations auxquelles ont donné lieu les séquestres et prises maritimes opérés, pendant les années 1823 et 1824, par les navires de guerre ou corsaires des deux nations, et convaincus de la difficulté de mettre à exécution certaines dispositions de la Convention du 5 Janvier, 1824,\* ont décidé de conclure, en conséquence, une Convention nouvelle, et ont nommé à cet effet, pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur des Français, M. Edouard-Antoine Thouvenel, Sénateur, Grand-Croix de son Ordre Impérial de la Légion d'Honneur, de l'Ordre noble et distingué de Charles III, &c., son Ministre et Secrétaire d'Etat au Département des Affaires Etrangères ;

Et Sa Majesté la Reine des Espagnes, M. Alexandre Mon, Grand-Croix de l'Ordre Royal et distingué de Charles III, de l'Ordre Impérial de la Légion d'Honneur, &c., Son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté l'Empereur des Français ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Le Gouvernement Espagnol renonce par la présente Convention à toutes les sommes qui pouvaient lui être dues pour des navires Français capturés ou séquestrés en 1823, ou pour leurs cargaisons, aux termes de l'Article II de la Convention du 5 Janvier, 1824.

Le Gouvernement Français renonce, de son côté, à toutes les sommes qui pouvaient lui être dues pour des navires Espagnols capturés ou séquestrés en 1823, ou pour leurs cargaisons, aux termes de l'Article IV de la même Convention.

II. Le Gouvernement Espagnol se substitue au Gouvernement Français, en ce qui concerne l'obligation qu'imposait à ce dernier la décision arbitrale rendue par Sa Majesté le Roi des Pays-Bas, à la date du 13 Avril, 1852, relativement au navire Espagnol *la Veloz Mariana*, et s'engage conséquemment à désintéresser les armateurs et créanciers de ce navire, aussitôt que la liquidation à faire, à ce sujet, aura été arrêtée.

III. Le Gouvernement Français remettra entre les mains du Gouvernement Espagnol, le jour de l'échange des ratifications de la présente Convention, tous les documents qu'il possède relativement à la capture et à la vente du navire *la Veloz Mariana*, afin que le Gouvernement Espagnol puisse procéder, en pleine connaissance de cause, à l'évaluation dudit bâtiment et de sa cargaison. Cette liquidation se fera conformément à la législation Espagnole.

IV. Le Gouvernement Espagnol s'engage à payer aux pro-

priétaires des navires Français capturés par suite des événements de 1823, dont les réclamations sont aujourd'hui pendantes, le montant des indemnités qui seraient reconnues leur être légitimement dues.

V. Afin d'assurer l'exécution du précédent Article, la commission mixte établie à Paris, en vertu de la déclaration du 15 Février, 1851, ou tout autre commission qui serait instituée à cet effet, sera chargée d'examiner la valeur des réclamations indiquées dans ledit Article.

Si les membres de la commission se trouvent d'accord, les résolutions qu'ils adopteront seront exécutoires.

Dans le cas où ils ne pourraient parvenir à s'entendre, les deux Gouvernements nommeront un arbitre qui statuera définitivement; sa décision devant être exécutoire.

VI. Toutes les dispositions de la Convention du 5 Janvier, 1824, contraires à la teneur de la présente Convention, sont et demeurent abrogées.

VII. La présente Convention sera ratifiée le même jour que la Convention relative au règlement définitif de la dette de l'Espagne envers la France, résultant de la Convention du 30 Décembre, 1828,\* et de celles des 29 Janvier, 9 Février, 30 Juin,† et 10 Décembre, 1824,‡ et l'échange des ratifications aura lieu le même jour.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé le cachet de leurs armes.

Fait en double expédition, à Paris, le 15 Février de l'an de grâce 1862.

(L.S.) THOUVENEL.

(L.S.) ALEXANDRE MON.

II. Notre Ministre et Secrétaire d'Etat au Département des Affaires Etrangères est chargé de l'exécution du présent décret.

Fait à Fontainebleau, le 18 Juin, 1862.

Par l'Empereur :

NAPOLÉON.

*Le Ministre des Affaires Etrangères, THOUVENEL.*

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**DECRET de l'Empereur des Français, portant promulgation du Traité de Délimitation, conclu le 14 Avril, 1862, entre la France et l'Espagne.—Fontainebleau, le 18 Juin, 1862.**

NAPOLÉON, par la grâce de Dieu et la volonté nationale, Empereur des Français, à tous présents et à venir, Salut.

Sur le rapport de notre Ministre et Secrétaire d'Etat au Département des Affaires Etrangères.

\* Vol. XVI. Page 989.

† Vol. XI. Pages 322, 340.

‡ Vol. XII. Page 956.

Avons décrété et décrétons ce qui suit :

ART. I. Un Traité de Délimitation ayant été conclu, le 14 Avril, 1862, entre la France et l'Espagne, et les ratifications de cet acte ayant été échangées à Madrid, le 13 Juin, 1862, ledit Traité, dont la teneur suit, recevra sa pleine et entière exécution.

### *TRAITE.*

Sa Majesté l'Empereur des Français et Sa Majesté la Reine des Espagnes, désirant continuer l'œuvre commencée dans le Traité de Délimitation signé à Bayonne, le 2 Décembre, 1856,\* en consolidant la paix et la concorde entre les populations frontalières des deux pays, à partir de l'extrémité orientale de la Navarre jusqu'au Val d'Andorre, et en terminant à jamais les litiges séculaires qui ont souvent troublé l'ordre sur divers points de cette frontière, au préjudice non-seulement de leurs sujets respectifs, mais aussi des bonnes relations entre les deux Gouvernements, ont jugé nécessaire, pour atteindre ce but, de consigner dans un Traité spécial les solutions données à ces litiges et le tracé de la limite internationale depuis le point où s'arrête le premier Traité de Bayonne jusqu'au Val d'Andorre, et ont nommé, à cet effet, pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur des Français, le Sieur Charles-Victor Lobstein, Ministre Plénipotentiaire Commandeur de l'Ordre Impérial de la Légion d'Honneur, Grand-Croix des Ordres de l'Etoile Polaire de Suède et de Saint-Olaf de Norwége, &c. ; et le Sieur Camille-Antoine Callier, Général de Brigade, Commandeur de l'Ordre Impérial de la Légion d'Honneur, Chevalier Grand-Croix de l'Ordre Royal d'Isabelle-la-Catholique, Chevalier de deuxième classe, avec plaque, de l'Ordre de l'Aigle-Rouge de Prusse, &c.

Et Sa Majesté la Reine des Espagnes, Don Francisco-Maria Marin, Chevalier Grand-Croix des Ordres Royaux de Charles III et d'Isabelle la Catholique, Chevalier de l'Ordre Militaire de Saint Jean de Jérusalem, Grand Officier de l'Ordre Impérial de la Légion d'Honneur, Sénateur du Royaume, Ministre Plénipotentiaire Majordome de Semaine de Sa Majesté, &c. ; et Don Monuel Monteverde y Bethancourt, Maréchal de Camp des Armées Nationales, Chevalier Grand-Croix des Ordres Royaux de Charles III, de Sainte Herménégilde et d'Isabelle la Catholique, deux fois Chevalier de l'Ordre Militaire de Saint Ferdinand, Commandeur de l'Ordre Impérial de la Légion d'Honneur, membre de l'Académie Royale des Sciences de Madrid, &c.

Lesquels, après s'être communiqué leurs pleins pouvoirs trouvés en bonne et due forme ; après avoir recueilli, étudié et discuté tous les titres produits de part et d'autre ; après avoir entendu les in-

téressés et cherché à concilier les droits et prétentions des deux Etats, aussi bien que ceux des sujets respectifs, en conservant autant que possible les us et coutumes suivis depuis des temps plus ou moins reculés, sont convenus des Articles suivants :

ART. I. La ligne séparative des Souverainetés de France et d'Espagne, depuis l'extrémité orientale de la Navarre jusqu'au Val d'Andorre, partira du sommet de la Table des Trois Rois, dernier point désigné au procès verbal d'abornement dressé, en exécution de l'Article X du Traité de Limites du 2 Decembre, 1856, et suivra la crête principale des Pyrénées jusqu'au pic de Gabedaille, en s'avancant de l'occident à l'orient entre la vallée Française d'Aspé et la vallée Espagnole d'Anso.

II. Du pic de Gabedaille, elle ira, par l'Escalé d'Aiguetorte jusqu'à la Chourrout d'Aspé, d'après le tracé existant entre les territoires de Borce et d'Anso.

III. De la Chourrout d'Aspé, elle suivra la limite actuelle jusqu'au col de Somport, laissant la montagne d'Aspé sous la juridiction de l'Espagne.

IV. Elle continuera vers l'orient par les crêtes de la chaîne principale des Pyrénées, sans aucune interruption, depuis le col de Somport jusqu'au sommet de l'Escalette, point d'où se détache le grand contre fort qui verse ses eaux, d'un côté, dans la vallée de Luchon, de l'autre dans la vallée d'Aran.

V. Du sommet de l'Escalette, elle suivra la ligne de faite de ce contrefort jusqu'au lieu dit Cap de Touète ou Turon de la Tua, situé près de son extrémité septentrionale, laissant, toutefois, en Espagne la montagne de Pouylané et le clot de Barèges.

VI. Du cap de Touète, elle quittera les cimes pour descendre par le ruisseau du Terme et remonter par la Garonne et le riu Argellé au cap de las Raspas, ou Mall Usclat, situé au sommet et vers l'extrémité occidentale du contre-fort qui ferme au nord le bassin hydrographique de la vallée d'Aran.

VII. Du cap de las Raspas, elle ira, par la ligne divisoire des eaux de ce contre-fort, reprendre la chaîne principale des Pyrénées, dont elle suivra les cîmes jusqu'à la frontière du Val d'Andorre.

VIII. Il sera procédé, le plus tôt possible, au moyen de bornes et de signaux de reconnaissance convenablement placés, à la démarcation sur le terrain de la frontière internationale, sommairement indiquée dans les articles précédents. Cette opération aura lieu avec le concours de délégués des communes Françaises et Espagnoles intéressées, et il sera dressé un procès-verbal officiel d'abornement dont les dispositions auront la même force et valeur que si elles étaient insérées textuellement au présent Traité.

IX. Les autorités municipales respectives prendront, avec l'approbation des autorités civiles supérieures du département et de la

province, les mesures qui leur paraîtront les plus convenables pour assurer la conservation des bornes et le remplacement de celles qui auraient été détruites ou enlevées. Elles s'entendront pour que, chaque année au mois d'Août, il soit fait de concert une reconnaissance des bornes qui marquent la ligne séparative de leurs territoires, et pour rédiger, en commun, un rapport destiné à informer les susdites autorités civiles supérieures du résultat de cette reconnaissance.

X. La commune Française de Borce aura, une année sur 6, l'usage exclusif de la montagne d'Estaés, appartenant à Anso, et située sur le versant septentrional des Pyrénées entre la crête et la limite internationale, depuis l'Escalé d'Aiguetorte jusqu'à la Chourrout, d'où se dirige, de l'orient à l'occident, une chaîne rocheuse qui sépare l'Estaés de la montagne d'Aspé. La 6<sup>me</sup> année revenant à Borce correspond à 1863, 1869 et aux années qui se suivent périodiquement au même intervalle.

Durant leurs 5 années de jouissance libre d'Estaés à chaque période sexennale, les habitants d'Anso pourront faire paître leurs troupeaux, de jour et de nuit, en compascuité avec ceux de Borce, dans deux zones du territoire Français contigües à cette montagne, et les gardes, ainsi que les pasteurs, auront la faculté d'y couper le bois nécessaire à la construction de leurs cabanes et aux besoins de la vie. La première zone s'étend depuis l'Escalé d'Aiguetorte jusqu'au Mailh de Maspêtres, entre la frontière internationale et la lisière supérieure du bois d'Espelunguère. Pour la jouissance de cette première zone, les troupeaux d'Anso auront la faculté de se servir librement, à leur entrée et à leur sortie, du chemin qui y mène par l'Escalé d'Aiguetorte et le pas de las Planetas, sans pouvoir en prendre d'autres en dehors du territoire commun. La seconde zone occupe l'espace compris depuis le Fourat de las Tirérès jusqu'auprès de la Chourrout d'Aspé, entre les croix hautes ou repères de la limite internationale et les croix basses qui la circonscrivent du côté de l'orient.

Il existe une troisième zone sur le territoire Espagnol entre la frontière et une ligne qui, partant du Col det Mail, se dirige vers le Clot de lar Mine, de là au Coutchet det Garray, au-dessus du Mailh de Maspêtres, puis au Fourat de las Tirérès, d'où elle va, en s'écartant insensiblement de la limite internationale, au cap de la Coume del Tach, et s'avance presque parallèlement à cette limite pour finir à la Chourrout. Il est convenu que le gros bétail de Borce qui se trouverait par accident dans cette zone pourra être repoussé sur le territoire Français, mais qu'il ne sera passible ni de saisie, ni d'amende, à moins qu'il n'y ait été conduit par ses pasteurs.

XI. La jouissance des pâturages dans le versant septentrional de la montagne d'Aspé, propriété de la vallée d'Anso, appartiendra,

deux années sur 3, à cette vallée; la Vésiau d'Aspé, composée des communes de Cette-Eygun, Etsaut et Urdos, n'ayant que la 3<sup>me</sup>, laquelle correspond à 1863, 1869 et aux années qui se succèdent périodiquement au même intervalle.

XII. La Vésiau d'Aspé et la ville de Jaca jouiront en commun des pâturages des montagnes d'Astun, de la Raque et Raquette, propriété de Jaca, sur le versant méridional des Pyrénées, ainsi que de ceux des communaux de la Vésiau contigus à ces montagnes sur le versant Français.

Leurs troupeaux auront la faculté de rester de jour et de nuit dans Astun, mais seulement à partir du 10 Juillet de chaque année, et leurs pasteurs pourront y construire des cabanes pour s'y abriter. Toutefois, les bêtes à laine de la Vésiau devront rentrer pour la nuit sur le territoire Français.

Les troupeaux de Jaca auront, dans les communaux de la Vésiau contigus à Astun et à la Raque et Raquette, la compascuité, de jour seulement, avec ceux de Cette-Eygun, Etsaut et Urdos, qui pourront y paître toute l'année de jour et de nuit.

L'usage du pâturage de la Raque et Raquette, compris entre Somport et les montagnes de Comdetju, d'Espoulunguet et d'Astun, sera libre en toutes saisons, de jour et de nuit, pour les troupeaux de Jaca et de la Vésiau.

Enfin, Jaca continuera à payer annuellement à la Vésiau d'Aspé 130 sols jaquèses qui, en monnaie actuelle, font, à peu de chose près, 122 réaux de vellon, ou 32 francs.

XIII. Sont confirmés les usages existants entre les habitants de Sallent et de Lanuza, de la vallée de Tena, et ceux de la vallée d'Ossau, relativement à leur droit réciproque de gîte: pour les premiers, à la majada de Tourmon, dans la montagne d'Anéou, en France, et pour les seconds, à la grotte de Samorons ou majada de lou Roumiga, en Espagne.

XIV. La rivière ou vallée de Saint-Savin, en France, et le Quignon de Panticosa de la vallée Espagnole de Tena continueront d'avoir la co-jouissance de la partie de la montagne de Jarret, bornée à l'est par le ruisseau d'Arratillou, au sud et à l'ouest par la crête principale des Pyrénées, au nord par les monts de Bun et d'Arras et par les ruisseaux ou ravins qui la séparent du Mercadaou.

Les co-usufruitiers maintiendront l'usage actuel d'affirmer ce territoire sous le contrôle de l'autorité compétente, aux enchères et avec une parfaite égalité de conditions pour les fermiers du Quignon et ceux de la rivière; le produit, comme les charges, devant se partager par moitié entre les intéressés.

XV. La vallée Française de Barèges et la vallée Espagnole de Broto ont la propriété commune des 7 quartiers de Pouey-Aspé, des Especières, de Pouey-Arraby, de Secrès, de Pla-Lacoum, de Pouey-



Mourou et de Lacoste, compris sous la dénomination de montagne d'Ossoue. Ces 7 quartiers s'étendent depuis la crête des Pyrénées, entre le Vignemale et la brèche de Roland, jusqu'aux communaux de Gavarnie, desquels ils sont séparés par une ligne dont le tracé approximatif part du Barrancou (ravin), qui divise Coumacieuse de Lacoste, passe au-dessous de la cabane du Coueyla de Lacoste, puis par-dessous Pouey-Mourou jusqu'à l'Espugne de Milha, va de là aux Plas-Commus, à la cabane de Pouey-Arraby, au trot du même nom, au bas de Peyranère, au trot de Lapahule, au sommet de Mourgat, borne ensuite la montagne de Pouey-Aspé jusqu'au Coueyla neuf et continue par la hite de Pouey-Aspé, la Serre de Serradets et la Serre de Taillou pour aboutir à la brèche de Roland. Il sera fait un abornement de cette ligne, lorsqu'on procédera à celui de la frontière internationale prescrit par l'Article VIII, et on la modifiera, s'il y a lieu, en tenant compte du dire des parties intéressées et des accidents topographiques. Le procès-verbal de cette démarcation définitive sera annexé au présent Traité.

Le pâturage des 7 quartiers de la montagne d'Ossoue s'affermira aux enchères à Luz, d'accord entre les vallées de Barèges et de Broto, en présence de leurs délégués, avec l'intervention de l'autorité compétente, et à des conditions absolument égales pour les adjudicataires Français et Espagnols. Le fermage et les charges de cette propriété seront partagés par moitié entre les deux vallées.

Les troupeaux de Barèges et de Broto pourront jouir en commun, tous les ans, des 7 quartiers d'Ossoue jusqu'au 11 Juin, mais, à partir de ce jour, le pâturage en sera interdit à toute espèce de bétail jusqu'au 22 Juillet, époque à laquelle les fermiers et sous fermiers auront seuls le droit de pacager dans les quartiers qui leur seront dévolus.

Le bétail propre de Broto, à l'exclusion de tout autre, aura la faculté de paître, avec celui de la vallée de Barèges, dans les communaux de Gavarnie, depuis le 22 Juillet jusqu'au moment où il rentre dans les versants d'Espagne.

Afin de légitimer les usages indiqués ci-dessus, et pour mettre fin à jamais aux anciens litiges, la vallée de Barèges indemniserà la vallée de Broto de l'abandon perpétuel et volontaire que fait celle-ci de tous droits quelconques sur les montagnes du versant de Gavarnie autres que ceux mentionnés dans les paragraphes précédents. L'indemnité sera de 22,000 francs, soit 83,000 francs 6 cents réaux de vellon, et le paiement devra en être effectué dans le cours de l'année qui commencera du jour où le présent Traité sera mis à exécution.

XVI. Le village aranais d'Aubert est maintenu, aux conditions actuelles, dans la possession exclusive et perpétuelle du Clot de Roye et de la Montjoie, sur le versant Français du contre-fort qui sépare la vallée d'Aran de celle de Luchon.



**XVII.** Bagnères de Luchon conservera les parties du Roumingau et du Campsaure dont il est en possession, et, pour légitimer cet état de choses, le domaine Français, qui en reste nu-propriétaire, désintéressera les communes aranaïses de l'abandon de leurs prétentions sur ces terrains, par une indemnité en argent qui équivaldra au capital correspondant à une rente en 3 pour cent consolidé de la dette intérieure d'Espagne, égale au revenu moyen actuel desdits terrains, lequel sera évalué contradictoirement par des experts nommés par l'un et l'autre Gouvernement. Le capital de la rente sera calculé au cours qui aura été coté à Madrid le jour de la mise à exécution du présent acte.

L'indemnité relative au Roumingau sera payée à Aubert; celle du Campsaure à Benos, Begos et las Bordas, et les deux paiements auront lieu en même temps, dans la première année de la mise en vigueur du présent Traité.

**XVIII.** Les communes aranaïses qui sont en possession de terrains situés sur le versant Français, entre la frontière internationale et la ligne qui les sépare du Roumingau, du Campsaure et de l'Artigon, depuis le Pouey-Lané jusqu'au Clot de Baréges, sont confirmées dans cette possession à perpétuité et aux conditions d'aujourd'hui; mais comme tous les frontaliers n'emploient pas les mêmes noms pour désigner ces terrains, et qu'ils ne semblent pas leur assigner la même étendue, il sera dressé une annexe au présent Traité, dans laquelle on indiquera exactement les limites des divers quartiers et où seront consignés les détails et éclaircissement propres à prévenir toutes contestations ultérieures.

**XIX.** Les troupeaux de Bosost continueront à être admis, depuis le 1<sup>er</sup> Juillet de chaque année à paître seuls les secondes herbes dans les montagnes Françaises de Susartigues et de Couradilles.

**XX.** Saint-Mamet aura l'usage exclusif des bois et pâturages du versant Français compris entre la frontière internationale et deux lignes droites qui, partant du plan de Bergès, aboutissent, l'une au Mailde Criq et l'autre à la Croix de Guillamart ou Planet des Creus; pour légitimer cet usage, le domaine Français, qui reste nu-propriétaire du fonds, payera à la municipalité de Bosost, pour l'abandon de ses prétentions sur ces mêmes terrains, une indemnité en argent représentant le capital d'une rente en 3 pour cent consolidé de la dette intérieure d'Espagne, égale au revenu moyen actuel desdits terrains, lequel sera estimé contradictoirement par des experts nommés par l'un et l'autre Gouvernement. Le capital de la rente sera calculé sur le cours qui aura été coté à Madrid le jour de la mise à exécution du présent Traité, et il est entendu que le communal dit le Portillon, ne sera compris que pour moitié dans l'évaluation du revenu.

L'indemnité sera payée avant l'expiration de la première année où le présent acte sera mis en vigueur.

XXI. La commune Française de Fos et la commune Espagnole de Bausen continueront à posséder par indivis le petit terrain de Bidaoubous, circonscrit par une ligne qui descend avec le ruisseau du Terme, remonte par la Garonne jusqu'au Mail des Trois Croix et retourne à son origine par les mails de Muscadé, d'Evéra et d'Aegla.

XXII. Le village aranais de Canejan admettra, seulement de jour, dans ses pâturages communaux les troupeaux Français de Fos, lesquels ne pourront dépasser Tartélong près de la cabane de la Traverse et la partie de la Montagnole au dessous de l'abreuvoir de Jourdoulet; et réciproquement, les troupeaux de Canejan pourront jouir, de jour, des pâturages de Fos jusqu'au Sarrat del Pin, le plan des Piaous, Terrenère, vers la cîme de la Pourtioula et le long de la crête jusqu'au point de la frontière commun à Fos, Melles et Canejan.

XXIII. Les Conventions écrites ou verbales qui existent aujourd'hui entre les frontaliers des deux pays, et qui ne sont pas contraires au présent acte, conserveront leur effet et valeur jusqu'à l'expiration du terme assigné à leur durée.

En dehors de ces Conventions et à partir de la mise à exécution du Traité, nul ne pourra réclamer, à aucun titre, sur le territoire voisin, quelque droit ou usage que ce soit, qui ne résulterait pas des stipulations dudit Traité, quand bien même ces droits ou usages ne seraient pas contraires à ces stipulations.

Toutefois, les frontaliers conservent la faculté qu'ils ont toujours eue de faire entre eux les contrats de pâturages ou autres qui leur paraîtront utiles à leurs intérêts et à leurs rapports de bon voisinage; mais, à l'avenir, l'approbation du préfet et du Gouverneur Civil sera indispensable; et la durée des contrats ne pourra pas excéder 5 années.

XXIV. Les communes limitrophes qui auront, à un titre quelconque, la jouissance exclusive de pâturages situés dans le pays voisin, pourront nommer à elles seules les gardes pour la surveillance de leurs pâturages. Lorsque la jouissance sera commune entre les frontaliers respectifs, chacune des municipalités intéressées pourra avoir ses propres gardes ou en nommer de concert avec l'autre. Les gardes pourvus de leurs titres de nomination prêteront serment devant l'autorité compétente du pays où s'exerce la jouissance, et ils adresseront leurs plaintes à qui de droit dans le même pays.

XXV. Le règlement pour la saisie des bestiaux annexé sous le No. 4, au Traité de Bayonne du 2<sup>e</sup> Décembre, 1856,\* sera applicable à la portion de frontière ci-dessus désignée, et il sera également joint comme annexe au présent Traité.

\* Vol. XLVII. Page 765.

**XXVI.** Les troupeaux de toute espèce, soit Français, soit Espagnols, qui passeront d'un pays dans l'autre pour y paître en vertu des usages stipulés dans le présent Traité ou de ceux qui seraient établis à l'avenir par des contrats entre frontaliers, ne seront soumis à aucun droit de Douane ni autre quelconque, à leur passage à la frontière. Il en sera de même pour les troupeaux qui, en vertu d'un accord quelconque, emprunteraient un chemin ou un territoire de l'Etat voisin pour se rendre dans les pâturages dont ils ont la jouissance dans l'un ou l'autre pays.

Afin d'éviter que les peines imposées par le fisc à l'introduction frauduleuse des bestiaux n'atteignent les troupeaux qui, en jouissant légalement de pâturages étrangers sur la frontière, ou en s'y rendant, entreraient accidentellement dans un terrain où ils n'auraient pas droit d'aller, il est convenu que le bétail saisi en pareil cas ne sera point considéré comme étant de contrebande, quand il se trouvera à moins d'un demi-kilomètre de distance du territoire dont il a l'usage, pourvu que l'intention frauduleuse ne soit pas évidente.

**XXVII.** Sont annulés de fait et de droit, en tout ce qui est contraire aux stipulations contenues dans les articles ci-dessus, les conventions, les sentences arbitrales et les contrats antérieurs relatifs, tant au tracé de la frontière comprise entre le sommet de la Table des Trois Rois et le Val d'Andorre, qu'à la situation légale, aux jouissances et aux servitudes des territoires limitrophes.

**XXVIII.** L'exécution du présent Traité commencera 15 jours après la promulgation du procès-verbal d'abornement prescrit à l'Article VIII.

**XXIV, et dernier.** Le présent Traité sera ratifié et les ratifications en seront échangées à Madrid, aussitôt que faire se pourra.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé et y ont apposé le cachet de leurs armes.

Fait en double expédition à Bayonne, le 14<sup>me</sup> jour d'Avril, de l'an de grâce 1862.

(L.S.) VR. LOBSTEIN.

(L.S.) GAL. CALLIER.

(L.S.) FRANCISCO MA. MARIN

(L.S.) MANL. MONTEVERDE.

**II.** Notre Ministre et Secrétaire d'Etat au Département des Affaires Etrangères est chargé de l'exécution du présent decret.

Fait à Fontainebleau, le 18 Juin, 1862.

Par l'Empereur :

NAPOLEON.

*Le Ministre des Affaires Etrangères, THOUVENEL.*

***DECRET de l'Empereur des Français, portant promulgation de la Convention Consulaire, conclue le 26 Juillet, 1862, entre la France et l'Italie.—Biarritz, le 24 Septembre, 1862.***

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NAPOLÉON, par la grâce de Dieu et la volonté nationale, Empereur des Français, à tous présents et à venir, Salut.

Sur le rapport de Notre Ministre Secrétaire d'Etat au Département des Affaires Etrangères.

Avons décrété et décrétons ce qui suit :

ART. I. Une Convention Consulaire ayant été conclue le 26 Juillet, 1862, entre la France et le Royaume d'Italie, et les ratifications de cet acte ayant été échangées à Paris, le 13 du présent mois, ladite Convention, dont la teneur suit, recevra sa pleine et entière exécution.

**CONVENTION.**

Sa Majesté l'Empereur des Français et Sa Majesté le Roi d'Italie, reconnaissant l'utilité de déterminer avec toute l'extension et la clarté possibles les droits, privilèges et immunités réciproques des Consuls, Vice-Consuls et Agents Consulaires, Chanceliers ou Secrétaires, ainsi que leurs fonctions et les obligations auxquelles ils seront respectivement soumis dans les deux pays, ont résolu de conclure une Convention Consulaire, et ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur des Français, M. Edouard-Antoine Thouvenel, Sénateur de l'Empire, Grand-Croix de son Ordre Impérial de la Légion d'Honneur, de l'Ordre Religieux et Militaire des Saints Maurice et Lazare, &c., son Ministre et Secrétaire d'Etat au Département des Affaires Etrangères ;

Et Sa Majesté le Roi d'Italie, M. le Chevalier Constantin Nigra, Grand-Officier de son Ordre Religieux et Militaire des Saints Maurice et Lazare, Commandeur de l'Ordre Impérial de la Légion d'Honneur, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté l'Empereur des Français ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Chacune des Hautes Parties Contractantes aura la faculté d'établir des Consuls-Généraux, Consuls, Vice-Consuls ou Agents Consulaires dans les ports, villes et localités du territoire de l'autre Partie.

Lesdits agents seront réciproquement admis et reconnus en présentant leurs provisions selon les règles et formalités établies dans les pays respectifs.

L'Exequatur nécessaire pour le libre exercice de leurs fonctions

leur sera délivré sans frais, et, sur la production dudit Exequatur, l'autorité supérieure du lieu de leur résidence prendra immédiatement les mesures pour qu'ils puissent s'acquitter des devoirs de leur charge et qu'ils soient admis à la jouissance des exemptions, prérogatives, immunités, honneurs et privilèges qui y sont attachés.

II. Les Consuls-Généraux, Consuls et Vice-Consuls ou Agents Consulaires, sujets de l'Etat qui les nomme, jouiront de l'exemption des logements et des contributions militaires, des contributions directes, personnelles, mobilières ou somptuaires, imposées par l'Etat ou par les communes, à moins qu'ils ne possèdent des biens immeubles, qu'ils ne fassent le commerce ou qu'ils n'exercent quelque industrie; dans lesquels cas ils seront soumis aux mêmes taxes, charges et impositions que les autres particuliers.

Ils jouiront, en outre, de l'immunité personnelle, excepté pour les faits et actes que la législation pénale des deux pays qualifie de crimes et punit comme tels; et, s'ils sont négociants, la contrainte par corps ne pourra leur être appliquée que pour les seuls faits de commerce et non pour causes civiles.

Ils pourront placer, au-dessus de la Porte extérieure du Consulat ou Vice-Consulat, l'écusson des armes de leur nation, avec cette inscription: Consulat ou Vice-Consulat de. . . . .

Ils pourront également arborer le pavillon de leur pays sur la maison Consulaire, aux jours de solennités publiques, religieuses ou nationales, ainsi que dans les autres circonstances d'usage, à moins qu'ils ne résident dans une ville où se trouverait l'Ambassade ou la Légation de leur pays. Il est bien entendu que ces marques extérieures ne pourront jamais être interprétées comme constituant un droit d'asile, mais serviront, avant tout, à désigner aux matelots et aux nationaux l'habitation Consulaire.

Les Consuls-Généraux, Consuls et Vice-Consuls, ou Agents Consulaires, pourront de même arborer le pavillon national sur le bateau qu'ils monteraient dans le port pour l'exercice de leurs fonctions.

III. Les Consuls-Généraux, Consuls et leurs Chanceliers, ainsi que les Vice-Consuls ou Agents Consulaires, ne pourront être sommés de comparaître comme témoins devant les tribunaux. Quand la justice locale aura besoin de recueillir auprès d'eux quelque déclaration juridique, elle devra se transporter à leur domicile pour la recevoir de vive voix, ou déléguer à cet effet un fonctionnaire compétent, ou la leur demander par écrit.

IV. En cas d'empêchement, d'absence ou de décès des Consuls Généraux, Consuls et Vice-Consuls ou Agents Consulaires, les élèves Consuls, les chanceliers et secrétaires qui auront été présentés antérieurement en leursdites qualités aux autorités respectives, seront de plein droit admis, dans leur ordre hiérarchique, à

exercer *par intérim* les fonctions Consulaires, sans que les autorités locales puissent y mettre obstacle. Au contraire, celles-ci devront leur prêter assistance et protection, et leur assurer, pendant leur gestion intérimaire, la jouissance des exemptions, prérogatives, immunités et privilèges réciproquement reconnus par la présente Convention aux agents du service Consulaire.

V. Les archives Consulaires seront inviolables, et les autorités locales ne pourront sous aucun prétexte ni dans aucun cas visiter ni saisir les papiers qui en feront partie.

Ces papiers devront toujours être complètement séparés des livres ou papiers relatifs au commerce ou à l'industrie que pourraient exercer les Consuls, Vice-Consuls ou Agents Consulaires respectifs.

VI. Les Consuls Généraux et Consuls pourront nommer des Vice-Consuls ou Agents Consulaires dans les villes, ports et localités de leurs arrondissements Consulaires respectifs, sauf l'approbation du Gouvernement territorial.

Ces agents pourront être indistinctement choisis parmi les citoyens des deux pays comme parmi les étrangers, et seront munis d'un brevet délivré par le Consul qui les aura nommés et sous les ordres duquel ils devront être placés. Ils jouiront des mêmes privilèges et immunités stipulés par la présente Convention, sauf les exceptions consacrées par l'Article II.

VII. Les Consuls Généraux, Consuls et Vice-Consuls ou Agents Consulaires des deux pays pourront s'adresser aux autorités de leur arrondissement, pour réclamer contre toute infraction aux Traités ou Conventions existant entre les deux pays, et contre tout abus dont leurs nationaux auraient à se plaindre. Si leurs réclamations n'étaient pas accueillies par ces autorités, ils pourraient avoir recours, à défaut d'un agent diplomatique de leur pays, au Gouvernement de l'Etat dans lequel ils résideraient.

VIII. Les Consuls Généraux, Consuls et Vice-Consuls ou Agents Consulaires des deux pays, ou leurs Chanceliers, auront le droit de recevoir dans leur chancellerie, au domicile des parties et à bord des navires de leur nation, les déclarations que pourront avoir à faire les capitaines, les gens de l'équipage et les passagers, les négociants et tous autres sujets de leur pays.

Ils seront également autorisés à recevoir, comme notaires, les dispositions testamentaires de leurs nationaux et tous autres actes notariés, lors même que lesdits actes auraient pour objet de conférer hypothèque; dans lequel cas on leur appliquera les dispositions spéciales en vigueur dans les deux pays.

Lesdits agents auront, en outre, le droit de recevoir dans leur chancellerie tous actes conventionnels passés entre un ou plusieurs de leurs nationaux et d'autres personnes du pays dans lequel ils

résident, et même tout acte conventionnel concernant des biens de ce dernier pays seulement pourra être exécuté que ces actes aient rapport à des biens situés ou à des affaires à traiter sur le territoire de la nation à laquelle appartiendra le Consul ou l'Agent devant lequel ils seront passés. Les copies ou extraits de ces actes, dûment légalisés par lesdits agents et scellés du sceau officiel des Consuls, Vice-Consuls ou Agences Consulaires, feront foi tant en justice que hors de justice, soit en France, soit en Italie, au même titre que les originaux et auront la même force et valeur que s'ils avaient été passés devant un notaire ou autre officier public de l'un ou de l'autre pays, pourvu que ces actes aient été rédigés dans les formes requises par les lois de l'Etat auquel appartiennent les Consuls et Vice-Consuls ou Agents Consulaires, et qu'ils aient ensuite été soumis au timbre et à l'enregistrement, ainsi qu'à toutes les autres formalités qui régissent la matière dans le pays où l'acte devra recevoir son exécution.

Dans le cas où un doute s'élèverait sur l'authenticité de l'expédition d'un acte public enregistré à la chancellerie d'un des Consuls respectifs, on ne pourra en refuser la confrontation avec l'original à l'intéressé qui en fera la demande et qui pourra assister à cette collation, s'il le juge convenable.

Les Consuls Généraux, Consuls et Vice-Consuls ou Agents Consulaires respectifs pourront traduire et légaliser toute espèce de documents émanés des autorités ou fonctionnaires de leur pays ; et ces traductions auront, dans le pays de leur résidence, la même force et valeur que si elles eussent été faites par les interprètes jurés du pays.

**IX.** En cas de décès d'un sujet de l'une des Parties Contractantes sur le territoire de l'autre, les autorités locales devront en donner avis immédiatement au Consul Général, Consul, Vice-Consul, ou Agent Consulaire dans la circonscription duquel le décès aura eu lieu. Ceux-ci, de leur côté, devront donner le même avis aux autorités locales, lorsqu'ils en seront informés les premiers.

Quand un Français en Italie ou un Italien en France sera mort sans avoir fait de testament ni nommé d'exécuteur testamentaire, ou si les héritiers, soit naturels, soit désignés par le testament, étaient mineurs, incapables ou absents, ou si les exécuteurs testamentaires nommés ne se trouvaient pas dans le lieu où s'ouvrira la succession, les Consuls Généraux, Consuls et Vice-Consuls ou Agents Consulaires de la nation du défunt auront le droit de procéder successivement aux opérations suivantes :

1°. Apposer les scellés, soit d'office, soit à la demande des parties intéressées, sur tous les effets, meubles et papiers du défunt, en prévenant de cette opération l'autorité locale compétente, qui pourra y assister et apposer également ses scellés.



Ces scellés, non plus que ceux de l'Agent Consulaire, ne devront pas être levés sans que l'autorité locale assiste à cette opération.

Toutefois, si, après un avertissement adressé par le Consul ou Vice-Consul à l'autorité locale pour l'inviter à assister à la levée des doubles scellés, celle-ci ne s'était pas présentée dans un délai de 48 heures, à compter de la réception de l'avis, cet Agent pourra procéder seul à ladite opération.

2° Former l'inventaire de tous les biens et effets du défunt, en présence de l'autorité locale, si par suite de la notification susindiquée, elle avait cru devoir assister à cet acte.

L'autorité locale apposera sa signature sur les procès-verbaux dressés en sa présence, sans que, pour son intervention d'office dans ces actes, elle puisse exiger des droits d'aucune espèce.

3°. Ordonner la vente aux enchères publiques de tous les effets mobiliers de la succession qui pourraient se détériorer et de ceux d'une conservation difficile, comme aussi des récoltes et effets pour la vente desquels il se présentera des circonstances favorables.

4°. Déposer en lieu sûr les effets et valeurs inventoriés ; conserver le montant des créances que l'on réalisera, ainsi que le produit des rentes que l'on percevra, dans la maison Consulaire ou les confier à quelque commerçant présentant toutes garanties. Ces dépôts devront avoir lieu, dans l'un ou l'autre cas, d'accord avec l'autorité locale qui aura assisté aux opérations antérieures, si, par suite de la convocation mentionnée au paragraphe suivant, des sujets du pays ou d'une Puissance tierce se présentaient comme intéressés dans la succession *ab intestat* ou testamentaire.

5°. Annoncer le décès et convoquer, au moyen des journaux de la localité et de ceux du pays du défunt, si cela était nécessaire, les créanciers qui pourraient exister contre la succession *ab intestat* ou testamentaire, afin qu'ils puissent présenter leurs titres respectifs de créance, dûment justifiés, dans le délai fixé par les lois de chacun des deux pays.

S'il se présentait des créanciers contre la succession testamentaire ou *ab intestat*, le paiement de leurs créances devra s'effectuer dans le délai de 15 jours après la clôture de l'inventaire, s'il existait des ressources qui puissent être affectées à cet emploi ; et, dans le cas contraire, aussitôt que les fonds nécessaires auraient pu être réalisés par les moyens les plus convenables ; ou enfin dans le délai consenti, d'un commun accord, entre les Consuls et la majorité des intéressés.

Si les Consuls respectifs se refusaient au paiement de tout ou partie des créances, en alléguant l'insuffisance des valeurs de la succession pour les satisfaire, les créanciers auront le droit de demander à l'autorité compétente, s'ils le jugeaient utile à leurs intérêts, la faculté de se constituer en état d'union.

Cette déclaration obtenue par les voies légales établies dans chacun des deux pays, les Consuls ou Vice-Consuls devront faire immédiatement la remise à l'autorité judiciaire ou aux syndics de la faillite, selon qu'il appartiendra, de tous les documents, effets ou valeurs appartenant à la succession testamentaire ou *ab intestat* ; lesdits agents demeurant chargés de représenter les héritiers absents, les mineurs et les incapables.

En tous cas, les Consuls-Généraux, Consuls et Vice-Consuls ne pourront faire la délivrance de la succession ou de son produit aux héritiers légitimes ou à leurs mandataires qu'après l'expiration d'un délai de 6 mois à partir du jour où l'avis du décès aura été publié dans les journaux.

6°. Administrer et liquider eux-mêmes, ou par une personne qu'ils nommeront sous leur responsabilité, la succession testamentaire ou *ab intestat*, sans que l'autorité locale ait à intervenir dans lesdites opérations, à moins que des sujets du Pays ou d'une tierce Puissance n'aient à faire valoir des droits dans la succession ; car, en ce cas, s'il survenait des difficultés, provenant notamment de quelque réclamation, donnant lieu à contestation, les Consuls Généraux, Consuls, Vice-Consuls, et Agents Consulaires n'ayant aucun droit pour terminer ou résoudre ces difficultés, les tribunaux du pays devront en connaître selon qu'il leur appartient d'y pourvoir ou de les juger.

Lesdits Agents Consulaires agiront alors comme représentants de la succession testamentaire ou *ab intestat*, c'est-à-dire que, conservant l'administration et le droit de liquider définitivement ladite succession, comme aussi celui d'effectuer les ventes d'effets dans les formes précédemment indiquées, ils veilleront aux intérêts des héritiers et auront la faculté de désigner des avocats chargés de soutenir leurs droits devant les tribunaux. Il est bien entendu qu'ils remettront à ces tribunaux tous les papiers et documents propres à éclairer la question soumise à leur jugement.

Le jugement prononcé, les Consuls Généraux, Consuls et Vice-Consuls ou Agents Consulaires devront l'exécuter, s'ils ne forment pas appel, et ils continueront alors de plein droit la liquidation qui aurait été suspendue jusqu'à la conclusion du litige ;

7°. Organiser, s'il y a lieu, la tutelle ou curatelle, conformément aux lois des pays respectifs.

X. Lorsqu'un Français en Italie ou un Italien en France sera décédé sur un point où il ne se trouverait pas d'Agent Consulaire de sa nation, l'autorité territoriale compétente procédera, conformément à la législation du pays, à l'inventaire des effets et à la liquidation des biens qu'il aura laissés, et sera tenu de rendre compte, dans le plus bref délai possible, du résultat de ces opérations à l'ambassade ou à la légation qui doit en connaître, ou au Consulat ou Vice-

Consulat le plus voisin du lieu où se sera ouverte la succession *ab intestat* ou testamentaire.

Mais, dès l'instant que l'Agent Consulaire le plus rapproché du point où se serait ouverte ladite succession *ab intestat* ou testamentaire se présenterait personnellement ou enverrait un délégué sur les lieux, l'autorité locale qui sera intervenue devra se conformer à ce que prescrit l'Article précédent.

XI. Les Consuls Généraux, Consuls et Vice-Consuls ou Agents Consulaires des deux Etats connaîtront exclusivement des actes d'inventaires et des autres opérations pratiquées pour la conservation des biens et objets de toute nature, laissés par les gens de mer et les passagers de leur nation qui décèderaient à terre ou à bord des navires de leur pays, soit pendant la traversée, soit dans le port de leur arrivée.

XII. Les Consuls Généraux, Consuls et Vice-Consuls ou Agents Consulaires pourront aller personnellement ou envoyer des délégués à bord des navires de leur nation, après qu'ils auront été admis en libre pratique ; interroger les capitaines et l'équipage ; examiner les papiers de bord : recevoir les déclarations sur leur voyage, leur destination et les incidents de la traversée ; dresser les manifestes et faciliter l'expédition de leurs navires ; enfin les accompagner devant les tribunaux et dans les bureaux de l'administration du pays, pour leur servir d'interprètes et d'agents dans les affaires qu'ils auront à suivre ou les demandes qu'ils auraient à former.

Il est convenu que les fonctionnaires de l'ordre judiciaire et les officiers et agents de la douane ne pourront, en aucun cas, opérer ni visites ni recherches à bord des navires, sans être accompagnés par le Consul ou Vice-Consul de la nation à laquelle ces navires appartiennent. Ils devront également prévenir en temps opportun lesdits Agents Consulaires, pour qu'ils assistent aux déclarations que les capitaines et les équipages auront à faire devant les tribunaux et dans les administrations locales, afin d'éviter ainsi toute erreur ou fausse interprétation qui pourrait nuire à l'exacte administration de la justice.

La citation qui sera adressée à cet effet aux Consuls et Vice-Consuls indiquera une heure précise ; et, si les Consuls et Vice-Consuls négligeaient de s'y rendre en personne ou de s'y faire représenter par un délégué, il sera procédé en leur absence.

XIII. En tout ce qui concerne la police des ports, le chargement et le déchargement des navires et la sûreté des marchandises, biens et effets, on observera les lois, ordonnances et règlements du pays.

Les Consuls-Généraux, Consuls et Vice-Consuls, ou Agents Consulaires seront chargés exclusivement du maintien de l'ordre intérieur à bord des navires marchands de leur nation ; ils régleront eux-mêmes les contestations de toute nature qui seraient survenues

entre le capitaine, les officiers du navire et les matelots, et spécialement celles relatives à la solde et à l'accomplissement des engagements réciproquement contractés.

Les autorités locales ne pourront intervenir que lorsque les désordres survenus à bord des navires seraient de nature à troubler la tranquillité et l'ordre publics, à terre ou dans le port, ou quand une personne du pays ou ne faisant pas partie de l'équipage s'y trouvera mêlée.

Dans tous les autres cas, les autorités précitées se borneront à prêter tout appui aux Consuls et Vice-Consuls ou Agents Consulaires, si elles en sont requises par eux, pour faire arrêter et conduire en prison tout individu inscrit sur le rôle de l'équipage, chaque fois que, pour un motif quelconque, lesdits agents le jugeront convenable.

XIV. Les Consuls Généraux, Consuls et Vice-Consuls ou Agents Consulaires pourront faire arrêter et renvoyer, soit à bord, soit dans leur pays, les marins et toute autre personne faisant, à quelque titre que ce soit, partie des équipages des navires de leur nation qui auraient déserté.

A cet effet, ils devront s'adresser par écrit aux autorités locales compétentes, et justifier, au moyen de la présentation des registres du bâtiment ou du rôle de l'équipage, ou, si le navire était parti, en produisant une copie authentique de ces documents, que les personnes réclamées faisaient réellement partie de l'équipage. Sur cette demande ainsi justifiée, la remise des déserteurs ne pourra être refusée.

On donnera, en outre, auxdits Agents Consulaires tout secours et toute assistance pour la recherche et l'arrestation de ces déserteurs, qui seront conduits dans les prisons du pays et y seront détenus à la demande et aux frais du Consul ou Vice-Consul, jusqu'à ce que celui-ci trouve une occasion de les faire partir.

Cet emprisonnement ne pourra durer plus de 3 mois, après lesquels, et moyennant un avis donné au Consul, trois jours à l'avance, la liberté sera rendue au prisonnier, qui ne pourra être incarcéré de nouveau pour la même cause.

Toutefois, si le déserteur avait commis quelque délit à terre, l'autorité locale pourrait surseoir à l'extradition jusqu'à ce que le tribunal eût rendu sa sentence, et que celle-ci eût reçu pleine et entière exécution.

Les Hautes Parties Contractantes conviennent que les marins ou autres individus de l'équipage, sujets du pays dans lequel s'effectuera la désertion, sont exceptés des stipulations du présent Article.

XV. Toutes les fois qu'il n'y aura pas de stipulations contraires entre les armateurs, chargeurs et assureurs, les avaries que les

navires des deux pays auront souffertes en mer, soit qu'ils entrent dans les ports respectifs volontairement ou par relâche forcée, seront réglées par les Consuls Généraux, Consuls, Vice-Consuls ou Agents Consulaires de leur nation, à moins que des sujets du pays dans lequel résideront lesdits agents, ou ceux d'une tierce Puissance, ne soient intéressés dans ces avaries ; dans ce cas, et à défaut de compromis amiable entre toutes les parties intéressées, elles devraient être réglées par l'autorité locale.

XVI. Lorsqu'un navire appartenant au Gouvernement ou à des sujets de l'une des Hautes Parties Contractantes fera naufrage ou échouera sur le littoral de l'autre, les autorités locales devront porter le fait à la connaissance du Consul Général, Consul, Vice-Consul ou Agent Consulaire de la circonscription, et, à son défaut, à celle du Consul Général, Consul, Vice-Consul ou Agent Consulaire le plus voisin du lieu de l'accident.

Toutes les opérations relatives au sauvetage des navires Français, qui naufrageraient ou échoueraient dans les eaux territoriales de l'Italie, seront dirigées par les Consuls Généraux, Consuls, Vice-Consuls ou Agents Consulaires de France ; réciproquement, toutes les opérations relatives au sauvetage des navires Italiens, qui naufrageraient ou échoueraient dans les eaux territoriales de la France, seront dirigées par les Consuls Généraux, Consuls, Vice-Consuls ou Agents Consulaires de l'Italie.

L'intervention des autorités locales n'aura lieu, dans les deux pays, que pour assister les Agents Consulaires, maintenir l'ordre, garantir les intérêts des sauveteurs étrangers à l'équipage et assurer l'exécution des dispositions à observer pour l'entrée et la sortie des marchandises sauvées.

En l'absence et jusqu'à l'arrivée des Consuls Généraux, Consuls, Vice-Consuls ou Agents Consulaires ou de la personne qu'ils délégueront à cet effet, les autorités locales devront prendre toutes les mesures nécessaires pour la protection des individus et la conservation des objets qui auront été sauvés du naufrage.

L'intervention des autorités locales dans ces différents cas ne donnera lieu à la perception de frais d'aucune espèce, hors ceux que nécessiteront les opérations du sauvetage et la conservation des objets sauvés, ainsi que ceux auxquels seraient soumis, en pareil cas, les navires nationaux.

En cas de doute sur la nationalité des navires naufragés, les dispositions mentionnées dans le présent Article seront de la compétence exclusive de l'autorité locale.

Les Hautes Parties Contractantes conviennent, en outre, que les marchandises et effets sauvés ne seront sujets au paiement d'aucun droit de Douane, à moins qu'on ne les destine à la consommation intérieure.

**XVII.** Les Consuls Généraux, Consuls, Vice-Consuls et Agents Consulaires, ainsi que les Chanceliers, Secrétaires, élèves ou Attachés Consulaires, jouiront dans les deux pays de toutes les exemptions, prérogatives, immunités et privilèges qui seront accordés ou seraient accordés aux agents de la même classe de la nation la plus favorisée.

**XVIII.** La présente Convention sera en vigueur pendant 12 années, à dater du jour de l'échange des ratifications. Si aucune des Hautes Parties Contractantes n'avait notifié à l'autre, une année avant l'expiration de ce terme, l'intention d'en faire cesser les effets, elle continuerait à rester en vigueur pendant une année encore, à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncée.

**XIX.** Les stipulations qui précèdent seront exécutoires dans les deux Etats immédiatement après l'échange des ratifications.

**XX.** La présente Convention sera ratifiée, et les ratifications seront échangées à Paris aussitôt que faire se pourra.

En foi quoi les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé le cachet de leurs armes.

Fait à Paris, en double original, le 26 Juillet de l'an de grace, 1862.

(L.S.) THOUVENEL

(L.S.) NIGRA.

**II.** Notre Ministre Secrétaire d'Etat au Département des Affaires Etrangères est chargé de l'exécution du présent décret.

Fait à Biarritz, le 24 Septembre, 1862.

Par l'Empereur :

NAPOLEON.

*Le Ministre des Affaires Etrangères, THOUVENEL.*

*PAPERS relating to the British Occupation of Lagos.—*  
1852—1862.

*No. 1.—Treaty with the King and Chiefs of Lagos.—Signed January 1, 1852. [See Vol. XLI. Page 735.]*

*No. 2.—Agreement with the King and Chiefs of Lagos.—Signed February 28, 1852. [See Vol. XLII. Page 693.]*

*No. 3.—Consul Brand to Lord J. Russell.—(Received May 14.)*  
(Extract.) *Lagos, April 9, 1860.*

**THERE** is a measure which, if adopted, would tend to put an end to the Slave Trade, and increase the legal commerce and industrial

prosperity of this line of coast to an unlimited extent, the occupation of Lagos, either as a possession, or by way of protectorate.

Lagos, from being a haunt of piratical slave-dealers in 1851, has, from its geographical position, and the great resources of the countries adjoining, of which it is the natural outlet, become the seat of a most important and increasing legal trade. The value of the exports, even during the past year, by no means a favourable one, is nearly 250,000*l.* sterling, as seen by the report which I have had the honour to transmit to your Lordship.

This place is the natural entrepôt of an immense country abounding in unlimited resources; and it is also the natural basis of operations for extending the blessings of industry, commerce, and Christian civilization to this portion of Central Africa, but it can never fully serve these great purposes under the Native Government. The increase of trade, of civilized ideas, and European interests and habits, demand that there should be such an administration of Government as to give an efficient protection to property.

The progress of the place in importance must be arrested unless some provision be made for this purpose. Every increase of European civilization, in fact, every increase of the elements of prosperity, only at present makes matters worse by rendering the Government of the King and Chiefs, who are averse to all progress, and dislike whatever is different from what prevailed among their ancestors, more contemptible and intolerable; whilst in the civilized portion of the community the jealousy of sections is so great, that no practical system of administration could be framed unless presided over by a governing head, possessed of sufficient authority to keep the discordant elements of society together. Lagos, at present, may be said to have no Government; there is no effective protection to property, no mode of enforcing the payment of debts applicable to Europeans; and the wonder is that in such a state of things there are so few disturbances.

The presence of the *Brune*, inefficiently manned as she is by 25 kroomen, if not a source of security, is at least the symbol of protection; and I believe the removal of that vessel would, at present, be viewed as an invitation to internal disorder and external assault.

Fortifications have been spoken of, and such works could easily be raised, and at little expense, but they would be of no use unless placed under civilized command. The Native Government could turn them to no account, and would only allow them to fall into ruin, whilst, from the cause already stated, no armed force could be raised through the aid of the civilized portion of the community, without an independent governing authority whom the various jealous sections might respect.



Again, this Consulate exercises at present a feeble, irregular, and irresponsible jurisdiction over a variety of judicial, police, and even administrative matters, which have gradually been pressed within the range of its action, which occupy nearly the whole of the Consular officer's time, but which have no relation whatever to a Consul's ordinary duties.

This jurisdiction has been acquiesced in by the various sections as matter of necessity, knowing that the Consulate is the only place where their cases will be heard with impartiality; but, in a large and increasing commercial community, there are questions of great importance affecting trade and property frequently arising, which the Consul has not the means, even if he had the authority, of dealing with in a satisfactory manner.

To do justice to this place, therefore, and to put it in a position to become what it seems by nature intended to be in relation to this portion of Central Africa, it appears to me requisite that something should be done without delay in the way I have indicated; and I believe such a measure would be hailed with delight by the people here; and, by ensuring protection to property, and a regular administration of justice, it would give a great impulse to the prosperity of Lagos and the adjoining country.

*Lord J. Russell.*

G. BRAND.

*No. 4.—Lord J. Russell to Consul Foote.*

(Extract.)

*Foreign Office, June 22, 1861.*

IN a former despatch I informed you that the question as to whether the island of Lagos should be taken possession of as a British dependency was still under the consideration of Her Majesty's Government, and I have now to inform you that this question has been decided in the affirmative.

It is not without some reluctance that Her Majesty's Government have determined, by the occupation of Lagos, to extend the number of British dependencies on the African coast; but they have been induced to come to this determination because they are convinced that the permanent occupation of this important point in the Bight of Benin is indispensable to the complete suppression of the Slave Trade in the Bight, whilst it will give great aid and support to the development of lawful commerce, and will check the aggressive spirit of the King of Dahomey, whose barbarous wars, and encouragement to slave-trading, are the chief cause of disorder in that part of Africa.

But in carrying this determination into effect, there are several questions of importance which require consideration.

Her Majesty's Government would be most unwilling that the establishment of British Sovereignty at Lagos should be attended

with any injustice to Docemo, the present Chief of the island ; but they conceive that as his tenure of the island in point of fact depends entirely upon the continuance of the protection which has been afforded to him and his predecessor by the British naval authorities since the expulsion of Kosoko, no injustice will be inflicted upon him by changing this anomalous protectorate into an avowed occupation, provided his material interests are secured.

It will be right, therefore, to assign him an adequate pension to be paid out of the revenue of the island, unless it should be advisable to continue him in some situation or employment under the British officer who may be appointed to administer the affairs of the island, in which case the remuneration for his services may be a sufficient provision for him without a special compensation.

If you should think it advisable at once to take temporary possession of Lagos pending the final arrangements, you are authorized to do so ; but you will carefully explain to King Docemo the motives that have induced Her Majesty's Government to take this step. You will inform him that Her Majesty's Government are not actuated by any dissatisfaction with his conduct, but that, on the contrary, they have every wish to deal with him in a liberal and friendly spirit ; and that their object in taking this step is to secure for ever the free population of Lagos from the slave-traders and kidnappers who formerly oppressed them ; to protect and develop the important trade of which their town is the seat, and to exercise an influence on the surrounding tribes which may, it is to be hoped, be permanently beneficial to the African race.

You will not take any steps for establishing British Sovereignty until you have concerted with the Commodore in command of Her Majesty's naval forces on the African station, or with the senior officer of the Bights Division, as to the measures which may be necessary on the occasion, and it will be well that, previously to taking possession, you should obtain from King Docemo and his head men, a Treaty of Cession, duly signed and executed.

But whether you deem it advisable at once to take possession of Lagos, or to defer this step until after you have communicated further with Her Majesty's Government on the subject, you will in either case report to me fully your opinion as to the amount and nature of the compensation to be awarded to Docemo, which you will not positively fix until you have obtained the sanction of Her Majesty's Government, the arrangements which you would propose for administering the Government of the island, the probable expenditure, and the amount of revenue which may be raised to meet that expenditure, and, generally, as to the effect which the change of Sovereignty may be expected to produce on the state of affairs in the island.

You will, moreover, report, after consultation with the senior naval officer on the station, as to the amount of force which will be required for the maintenance of British authority on the island, and for the protection of the place from attacks on the part of the neighbouring Chiefs.

You will bear in mind, however, that it will be the policy of Her Majesty's Government strictly to avoid all aggression upon the surrounding Chiefs, and that it is on every account desirable to keep the expedition for this purpose within the narrowest limits compatible with the safety of the place.

I have requested the Lords Commissioners of the Admiralty, to whom I have transmitted copy of this despatch, to issue instructions in conformity therewith to the officer commanding Her Majesty's naval forces on the West Coast of Africa.

*H. G. Foote, Esq.*

J. RUSSELL.

*No. 5.—Acting Consul McCoskry to Lord J. Russell.—(Rec. July 11.)*

MY LORD,

*Lagos, June 7, 1861.*

I DEEM the establishment of a Consular guard here of so much importance that I take the liberty of calling your Lordship's attention to the subject.

The progress of Lagos in civilization is much too fast to please the Native Chiefs who pay allegiance to Docemo; they cannot compete either in mercantile or agricultural pursuits with the emigrants from Sierra Leone, Brazil, and Cuba, and the consequence is they go back to their old predatory habits, and the King is unable to control them. At present a native accused of theft, robbery, or any other offence, seeks the protection of one of the Chiefs, and refuses to face his accusers, and were the King to send men to arrest him they would be sure to commit excesses either by maltreating the person or plundering his house, and this would lead to serious disturbances, perhaps to civil war. On the other hand, were a few men of a Consular guard accompanied by a messenger from the King and Consul sent to arrest any man, even a Chief, I am certain he would submit quietly; they already know that at least they will be treated fairly at the Consulate, and if acquitted they are free, and incur no expense. Any one, however, who renders necessary the services of the King's people, if even for his own arrest, has to pay dearly for them. With such a state of things the numerous applications at the Consulate by all classes of the population for the settlement of differences and disputes of all kinds are to be expected, and it is only when we have to call upon the King to carry out the decisions that any difficulty is experienced: this a Consular guard would obviate.

On many occasions when the Consul is absent on duty, the "Brune" may also be absent; such a time is the most likely to be seized upon for any attack on Lagos, and then a guard at the Consulate would be most useful: they would serve to give confidence to the inhabitants and maintain order.

In all circumstances that may occur to occasion any extraordinary risk to life and property, the Consulate is the place where the best protection is expected, and which a guard can only enable it effectually to give.

I do not say that there are at present any prospects of danger in Lagos, but there are, and will be for years to come, the elements of strife between the emigrants and the aboriginal population, and it will take good management to prevent any outbreak till the fusion be complete.

The guard need not be numerous, but they ought to be good men; 30 men would be sufficient; they could be easily increased, if thought necessary, by enlisting some of the numerous runaway slaves from Whydah and neighbourhood, many of them well formed and intelligent men, who would be satisfied with less than the usual pay.

There will be no objections on the part of the King here to the establishment of the guard, on the contrary, he will be well pleased, and so will all the mercantile and industrious community.

I have, &c.

*Lord J. Russell.*

W. McCOSKRY.

*No. 5\*.—Orders addressed to Rear-Admiral Sir B. Walker.*

*June 28, 1861.*

By the Commissioners for Executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

HER Majesty's Principal Secretary of State for Foreign Affairs having, in a letter dated the 22nd instant, transmitted to us the copy of a despatch to Mr. Foote, Her Majesty's Consul at Lagos, in which are stated the reasons which have determined the British Government to take possession of the island of Lagos, and having signified to us the Queen's commands that the senior naval officer on the west coast of Africa should be instructed to co-operate with Mr. Foote in carrying into effect the views of Her Majesty's Government, we send you, for your information and guidance, copy of the above-mentioned letter\* and of its inclosure, and also copy of a further letter\* of the 24th instant, from the Foreign Office, with extract of its inclosure, from which you will perceive that if the occupation of Lagos cannot be effected or maintained without

\* Merely a transmitting letter.

resorting to force, it is not to be undertaken until further instructions from home, and that any permanent force to be employed on shore at Lagos must be of black troops, and not be furnished from any portion of the crews of Her Majesty's ships.

Given under our hands this 28th day of June, 1861.

CHARLES EDEN.

*Sir B. Walker, Bart, K.C.B.,*

CHARLES FREDERICK.

*Rear-Admiral of the Blue, or Senior Officer  
of H.M.'s ships and vessels, Sierra Leone.*

By command of their Lordships,

C. PAGET.

*(Inclosure.)—Lord J. Russell to Consul Foote.*

*(Extract.)*

*Foreign Office, June 24, 1861.*

If you should be of opinion that it would be necessary, in order to secure respect for the British flag, to have a permanent force stationed on shore, you will defer taking possession of the island until a detachment of black troops, which the War Department have been requested to furnish, can be sent to support your authority, as it would be inconvenient that any portion of the men on board Her Majesty's ships should be employed on shore for any length of time for this purpose.

*H. G. Foote, Esq.*

J. RUSSELL.

*No. 6.—Acting Consul McCoskry to Lord J. Russell.—(Rec. Sept. 10.)*

MY LORD,

*Lagos, August 7, 1861.*

REFERRING to your despatch of the 22nd of June last, informing me that Her Majesty's Government had decided upon taking possession of the island of Lagos, having on the first opportunity communicated the purport of your despatch to Commander N. B. Bedingfeld, Her Majesty's ship *Prometheus*, the senior officer of the Bights division, that officer, with great promptness, brought his vessel into the river.

At a conference held on board the *Prometheus*, on the 30th ultimo, we opened the subject to King Docemo, explaining to him fully the intentions of the Government in changing the anomalous protectorate into an avowed occupation; he had no arguments of any weight to urge against the proposition; and as his Chiefs were not admitted, he promised to lay the matter before them, and give his answer on the 1st August.

In the meantime we sounded the European residents and the Sierra Leone emigrants, and, with a few exceptions amongst the last, found them favourable to our views; most of them have had reason to complain of the want of protection to property under the rule of Docemo, and every year things are becoming worse instead

of better. No redress of grievances could be got without bribing the people about the King's person, and no natives were admitted to his presence without paying, unless with the Consular messenger.

On the 1st of August Commander Bedingfeld and I went to the King to hear his answer; but we saw at once, on entering, that the party opposing the cession had succeeded in getting the King to refuse, which he did, on the ground that as the Treaty of Cession had been drawn up here, he did not believe Her Majesty's Government had issued the instruction upon which we were acting. Having endeavoured to satisfy him on this point we took our leave.

They then tried to intimidate us by threats, but as Commander Bedingfeld had taken measures to put down any disturbances, none occurred. We have, however, thought it right, considering the aspect the affair had assumed, to inform Docemo that if before the 6th instant he had not made up his mind, we should take formal possession of the island in the name of Her Majesty, and await further instructions. There were at first threats of opposing this by force, but the precaution that had been taken, and, above all, the presence of an imposing vessel like the *Prometheus* in the river, kept all quiet. Docemo, seeing how matters went, and having himself ascertained the feeling of the European residents, called another meeting at his house, at which he requested all the Europeans and emigrants to be present to hear the proposals of the Government explained. At this time there was great excitement, but owing to the admirable arrangements that had been made, no disturbance took place, and the meeting ended satisfactorily, Articles II and III having been added to the Treaty to satisfy the King. It was then arranged that he and his Chiefs should, next day, come to the Consulate and sign the Treaty, and be present at the ceremony of taking possession.

Yesterday an immense crowd had collected about the Consulate to witness the proceedings, and at 1 p.m. the King landed under a salute of 7 guns from the *Prometheus*, anchored close by. After signing the Treaty, with four of his principal Chiefs, they were conducted to the flag-staff that had been erected outside; the Proclamation inclosed was read, and the British flag unfurled, and saluted with 21 guns; the national anthem sung by a band of children from the Missionary Schools, led by Revs. Messrs. Maser, Macauley, and Sharpe; and concluded with dinner on board the *Prometheus*, to which Docemo, some of his principal men, and nearly all the Europeans in the place, were invited.

I herewith transmit the Treaty of Cession, and I hope your Lordship will approve of what has been done.

The benefit to the country, and its influence on this part of

Africa, will be immense; but it would not have been effected without some demonstration, as there are many about the King's person to whom the change is hateful. I am greatly indebted to the senior officer for his tact and judgment in assisting me in this matter; and I do not believe we should have succeeded so easily but for the presence in the river of the *Prometheus*, or some similar vessel.

Your Lordship will observe that if the matter has been carried apparently somewhat against the will of Docemo, this was forced upon us by the conduct of his people; as, had we receded, they would have been convinced I was acting without authority, and would have conducted themselves accordingly; and this would not only have affected me, but nearly all the European community, they having supported me throughout. Considering this, and also the ultimate result to which we may reasonably look forward, I await with some confidence your Lordship's approval.

I have, &c.

Lord J. Russell.

W. McCOSKRY.

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(Inclosure 1.)—*Treaty between Norman B. Bedingfeld, Commander of H.M.'s ship Prometheus, and Senior Officer of the Bights Division, and William McCoskry, Esquire, H.B.M. Acting Consul, on the part of Her Majesty the Queen of Great Britain, and Docemo, King of Lagos, on the part of himself and Chiefs.*

*Lagos, August 6, 1861.*

ART. I. In order that the Queen of England may be better enabled to assist, defend, and protect the inhabitants of Lagos, and to put an end to the Slave Trade in this and the neighbouring countries, and to prevent the destructive wars so frequently undertaken by Dahomey and others for the capture of slaves, I, Docemo, do, with the consent and advice of my Council, give, transfer, and by these presents grant and confirm unto the Queen of Great Britain, her heirs and successors for ever, the port and island of Lagos, with all the rights, profits, territories and appurtenances whatsoever thereunto belonging, and as well the profits and revenue as the direct, full, and absolute dominion and sovereignty of the said port, island, and premises, with all the royalties thereof, freely, fully, entirely, and absolutely. I do also covenant and grant that the quiet and peaceable possession thereof shall, with all possible speed, be freely and effectually delivered to the Queen of Great Britain, or such person as Her Majesty shall thereunto appoint, for her use in the performance of this grant; the inhabitants of the said island and territories, as the Queen's subjects, and under her sovereignty, Crown, jurisdiction, and government, being still suffered to live there.



II. Docemo will be allowed the use of the title of King in its usual African signification, and will be permitted to decide disputes between natives of Lagos with their consent, subject to appeal to British laws.

III. In the transfer of lands, the stamp of Docemo affixed to the document will be proofs that there are no other native claims upon it, and for this purpose he will be permitted to use it as hitherto.

In consideration of the cession as before-mentioned of the port and island and territories of Lagos, the Representatives of the Queen of Great Britain do promise, subject to the approval of Her Majesty, that Docemo shall receive an annual pension from the Queen of Great Britain equal to the net revenue hitherto annually received by him; such pension to be paid at such periods and in such mode as may hereafter be determined.

	their
DOCEMO	✕
TELAKE	✕
ROCAMENA	✕
OBALEKOW	✕
ACHEBONG	✕
	marks.

NORMAN B. BEDINGFELD, *H.M. ship Prometheus*,  
*Senior Officer, Bights Division.*

W. McCOSKRY, *Acting Consul.*

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(*Inclosure.*)—*Proclamation.*

*British Consulate, Lagos, August 6, 1861.*

DOCEMO, King of Lagos, having ceded the sovereignty of Lagos to the Queen of Great Britain, her heirs and successors for ever, we, Norman B. Bedingfeld, Commander of Her Majesty's ship *Prometheus*, and senior officer of the Bights Division; and William McCoskry, Esquire, Her Britannic Majesty's Acting Consul, do this day formally take possession in the name of Her most gracious Majesty Queen Victoria.

God save the Queen!

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*No. 7.—The Rev. H. Venn to Earl Russell.—(Rec. September 20.)*

*Church Missionary House, Salisbury Square,*

MY LORD,

*September 20, 1861.*

I HAVE the honour to transmit to your Lordship 3 envelopes, which bear the seal of the King of Lagos, in West Africa, and have been sent to me, to be laid before your Lordship.

They have been sent by one of the native merchants of Lagos, Mr. J. P. L. Davies, who was employed by the King to negotiate

with Commander Bedingfeld, and the Acting Consul, respecting the cession of Lagos to Her Majesty.

I have been long acquainted with Mr. Davies, and he has visited this country. He has furnished me with various documents from the King of Lagos to himself, which sufficiently prove that he has been authorized by the King of Lagos to forward these letters to Her Majesty's Secretary of State. I have, &c.

*Earl Russell.*

HENRY VENN,  
*Secretary to the Church Missionary Society.*

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(*Inclosure 1.*)—*The Chiefs of Lagos to Her Majesty Queen Victoria.\**  
MADAM, *Onikoye Street, Lagos, August 8, 1861.*

WE, the undersigned Chiefs of the Island of Lagos, in mercy beg to write this as a compliment to Her Majesty's Queen of Great Britain.

We have heard and have been eye-witnesses of many undertakings, and by that do prove that the Queen of Great Britain is such a merciful Queen, not to be compared to any Queen or Kings of the earth, save to the Supreme Being.

In this one great undertaken we fully observ'd, first by not knowing we poor black Africans, we that savagely caught ourselves, and dispose to the slave-dealers. But through the compassion of Great Britain Queen, steam ships of war are send throughout the seas, to seize such vessels that should be found taken away slaves from Africa. The seizure of such slave-vessels many times have been made, and the slaves of which we have heard taken to British colony, kept for some times there, only to learn wisdom; and after this they are brought to their native lands through the Queen's expenses, and here they welcome their long-lost families with joy and great mirth.

This we observe, and we all do pray that the blessing of the Almighty God may pour down abundantly upon Great Britain Queen.

The good actions of Her Majesty's Queen our late King Akitoye observe, and which led him then to cry unto the Queen for assistance when he was expelled from Lagos.

Our late King's complaint have been in the ears of Her Majesty's Queen, and after deep search into the matter have been made, it is reported that our late King have been found in the right, and that he has been driven out by the exiled Prince Kosoko.

Seeing that our late King Akitoye's case have been found to be perfect before Her Britannic Majesty's Queen, and through the compassion of Her Majesty our late King was brought to his native

\* This and the following Inclosures are printed *literatim*.

land, and the throne was taken from Prince Kòsoko, and on the same our late King was placed by the command of the Queen, from the mouth of Her Majesty's Representative, the late Consul, J. Becroft.

The whole town of Lagos was delivered to our late King, together with the Laws and Reggulations of Her Majesty, and to this we his Cheifs have been witnesses. Till his death not one of this laws is transgressed.

After his death the late Consul, B. Campbell, who is then the Queen's Representative, took the late King's son, Prince Docemo, and set him on the throne of his father, with the command to take possession of his father's properties. Moreover, B. Campbell delivered to the new King the Laws and Reggulations which his father in his lifetime had signed with the Queen of Great Britain.

We humble beg to state that our present King Docemo have not offended against one of the least Laws or Reggulations of Her Majesty's Queen of Great Britain.

But we sympathize to say that we saw Her Majesty's ship *Prometheus* unexpectedly run in the Lagoon, and anchored, on the 25th of July. But on the 28th instant the Commander, Norman B. Bedingfeld, accompanied by William McCoskry, Acting Consul, came to our King, and desired his presence on board Her Majesty's ship *Prometheus* the day following. We also learn from our King that he is commanded by the said Commander that we not to come with us on board; but to this the King disagree.

The next day arrive: our King went on board Her Majesty's ship *Prometheus*, and a secret was revealed to him by the Commander, which secret was that our King should give up the Island of Lagos, with all its rights, territories, &c.

To this our King would not agree. His reply was, that he will not give up the Island of Lagos; so there was no decision on the matter till the return of the King.

On the 3rd August the said Commander, N. B. Bedingfeld, accompanied by William McCoskry, Esq., with two brass-gun boats, and lots of well-armed marines, came over to our King, and commanded him to sign the paper, in which was drawn the following words—To give up the Island of Lagos, &c.

This paper our King would not sign, and moreover asked for permission for some time for to inform Her Majesty's Government; and this the Commander would not allow; so the King inform the Commander thus—If the white merchants or emigrants has any affairs between themselves, I do agree that it should be settled by themselves.

To this replied the Commander, If our King will be able to sign what he has before said of the merchants, he may show his presence

at the British Consulate to-morrow, the 4th instant, at the hour of 11.

Such being the case, that our King went over to the Consulate the next day. But instead of what our King has told the Commander previous that he would sign, there is more words drawn together with it, and to that our King do not give consent. But Commander Bedingfeld impose on the King to sign it. So the King replied that he will not sign a paper to which he is not agreed with the contents. Then said Commander Bedingfeld to the King, if you do not sign this paper, I will brake down Lagos.

Previous to this, men, women, and children are getting into canoes, fleeing away for their lives. To prevent the Commander from fireing into the town, our King sign the paper, and inform'd that he will write to inform Her Britannic Majesty's Queen of the whole matter, how that it was through compulsion he was made to sign the Treaty.

We, as the Chiefs of Lagos under King Docemo, take this upon ourselves to cry unto Great Britain Queen for our King Docemo. Seeing that we are enimies to all the interian Kings and Cheifs from the date that the late King Akitoye has fallen into covenant with the Queen of Great Britain, and from the time that the Treaty of the suppression of the Slave Trade is signed. This the interior Cheifs greatly abhor, and for that purpose will not agree with the people of Lagos, seeing that have no more place to dispose their slaves. But we the people of Lagos cares nothing about them so long as Britain is our backstay.

But as the English have turned their backs towards us, we are shamefully fallen down before our enimies the slave-dealers. This induces us to cry so humbly unto Her Majesty's Queen that we are fallen down before our enimies, together with our King and people.

We therefore, in the name of the Almighty the Supreme Being, Ruler of the Universe, beg Her Britannic Majesty's Queen to raise us up, and let Her Majesty's praises be heard throughout the whole African lands. We the Undersigned, &c.

his  
ONIKOYI ✕, and 24 others.  
mark.

*(Inclosure 2.)—King Docemo to Her Majesty Queen Victoria.*

MADAM,

*King's Palace, Lagos, August 8, 1861.*

THE King Decemo, of Lagos, do send this, a sort of compliment to Her Majesty Queen of Great Britain.

The Queen of Great Britain, as I observe, have done, and are still doing, much for we poor black Africans, the thanks of which we are not able to return to the Queen of Great Britain.

Moreover, the goodness that the Queen has shown to my father is an unexpressable one.

That by bringing him home, and replace him on his father's throne and gave him back his former lands, with all the rights thereof, &c.

The rule, regulations, of the Queen of England were delivered to him, in which part was found that "the successions to be secured to his heirs males." In obedience to which I have been placed on the Throne, after my father's death, by the late Consul B. Campbell.

The rules, regulations, between Her Majesty's Queen and my late father Akitoye were delivered to me, and I am still guided by them.

But unexpectedly Commander N. B. Beddingfeld, Her Majesty's ship *Prometheus*, ran down in the lagoon on the 25th July.

But on the 28th instant, the said Commander, accompanied by Wm. McCoskry, Esq., the Acting Consul, to my Palace, and requested me to call on him the next day on board Her Majesty's ship *Prometheus*, on a very strict command that I am not to come on board with my Chiefs, neither captains. I rejected this advice of the Commander, and at last both of us come to a term that, that if I should come with them at all, I must leave them behind me; the Commander speaks, moreover, that it is because he has a secret to tell me.

Such being the case, that I made ready myself on the 29th, with my Chiefs, and went on board the said *Prometheus*, where I was informed, by the said Commander Norman B. Beddingfeld, to sign a Treaty, the which I have not heard nothing of previous, neither seen; but all at once I am commanded to sign it. I inquired of the contents, and am informed that the Treaty contains, "the given up of Lagos to Her Majesty's Queen, with all its rights, territories," &c. This I reject the signing off.

Seeing I have a strong faith on Her Majesty's Queen, that had Lagos being wanted the Queen might not have taken it, and given it to my father. This induces me to reject the signing of the paper.

As men, women, children, and youths, were in great disturbances of the annoyances that Commander Bedingfeld is preparing to fire in the town, simply because I refuse to sign the paper he brought me.

This annoyances on the town leads me to sent to Commander Bedingfeld to require his presence at my palace.

The answer was returned that as he is coming over to my palace, he is coming with troops; that he has heard of my preparations to fight. I send again the bearer to inform Bedingfeld, the Commander, that, that there is no danger within my intentions, and that I only wanted to see him. On the 3rd August, at the space of some hours after this message was gone, Bedingfeld, accompanied by Wm. McCoskry, with two brass-gun boats, armed marines, as if they

were ready for to rush into a battle. Commander Bedingfeld come to me in such a warlike way that I inquired of the reason ; his reply was that I have heard that you are prepared to fight me, therefore come I forth with my troops.

Then said I unto him, what strength have I to stretch my hands against the Power that set me on the Throne ? He then desired me to sign the paper which have been previous refused to be signed by me. Being he is so much imposed upon me, I was oblige to tell him that if any merchant or emigrants has affairs between themselves, that it should be settled by themselves. To this replied the said Commander, if the King will sign what he has now spoken, let him call on the British Consulate to-morrow, the 4th instant, at the hour of 11.

The next day arrive, I went over to the British Consulate, but instead of the Commander give me to sign what I have before mention'd to him in my palace, he brought before me a paper in which was written the things that are not to my consent, and the which I refuse to sign.

But the Commander imposed on me to sign it, and if I do not he is ready to fire on the island of Lagos, and to destroy it in the twinkling of an eye.

To prevent this destruction induces me to sign the said paper, and in order to keep my people from running away ; for I in the mean time have a thought to appeal to Her Britannic Majesty's Queen afterwards, and the which I herewith have done.

I, King Docemo, of Lagos, deeply sorry to bring this complaint before Her Majesty's Queen of Great Britain, seeing there is no other King upon earth on whom I rely save Great Britain Queen, and by her command I am set on my father's throne. But Commander Norman B. Bedingfeld and Wm. McCoskry, in their wishes that I should be dethroned by compelling me to sign a Treaty, which was not to my consent, and the duplicate of which I herewith inclosed to your Majesty.

By this I stretch forth my hands to Her Britannic Majesty's Queen. O ! save me ! Let not mine enemies pull me down.

I pray for the blessing of God to rest abundantly upon Great Britain Queen. May God make her powers stretch forth even to the four corners of the earth, and then may her enemies fall down before her.

So then may her reign be prosperous, and long may she live to see the prosperity of African race ; yea, the sons and daughters of Africa shall triumph in the glory of Great Britain Queen.

With this, I beg, &c.

(Docemo's Seal.)

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(*Inclosure 3.*)—*Treaty between Commander Bedingfeld, R.N., and Acting Consul McCoskry, and Decemo, King of Lagos.—Signed at Lagos, August 6, 1861. [See Page 181.]*

(*Inclosure 4.*)—*Petition from certain Natives of the Island of Lagos. Lagos, August 8, 1861.*

To the Queen's Most Excellent Majesty.

MADAM,

WE, the Undersigned, common people of the Island of Lagos, in mercy beg to write this as a compliment to Her Majesty's Queen of Great Britain.

We have heard, and have been eye-witnesses of many undertakings, and by that do prove that the Queen of Great Britain is such a merciful Queen not to be compared to any Queens or Kings of the earth, save to the Supreme Being.

In this one great undertaking we fully observe, first by not knowing we poor black Africans, we that savagely caught ourselves, and dispose to the slave-dealers. But through the compassion of Great Britain Queen, steam-ships of war are sent out throughout the seas to seize such vessels that should be found taken away slaves from Africa. The seizure of such slave-vessels many times have been made, and the slaves of which we have heard taken to British colony, kept for some times there, only to learn wisdom; and after this they are brought to their native lands, through the Queen's expenses, and here they welcome their long lost families with joy and great mirth. This we observe, and we all do pray that the blessing of the Almighty God may pour down abundantly upon Great Britain Queen.

The good actions of Her Majesty's Queen our late King Akitoye observe, and which leads him to cry unto the Queen for assistance, when he was expell'd from Lagos.

Our King's complaint have been in the ears of Her Majesty's Queen, and after deep search into the matter have been made, it is reported that our King have been found in the right, and that he has been driven out by the exiled Prince Kosoko.

Seeing that our late King Akitoye have been found to be perfect before Her Britannic Majesty's Queen, and through the compassion of Her Majesty's Queen our late King Akitoye was brought to his native land, and the Throne was taken from Prince Kosoko, and on which our late King was placed by the command of the Representative of Her Majesty's Queen (Consul J. Becroft).

The whole town of Lagos was delivered to him, together with the laws and regulations of Her Britannic Majesty's Queen; and to this we have been witnesses, that our late King did not transgress till his death.

After his death the late Consul B. Campbell, who is then the Queen's Representative here, took the late King's son, Prince Docemo,



and set him on the Throne of his father, with the command to take possession of his father's properties ; moreover, B. Campbell delivered to the new King the laws and regulations which his father in his life-time had signed with the Queen of Great Britain.

We humbly beg to state that our present King Docemo have not offended against one of the least laws or regulations of Her Majesty's Queen.

But we sympathize to say that we saw Her Majesty's ship *Prometheus* unexpectedly run in the Lagoon, and after she had lain there 3 days previous, the Commander, Norman B. Bedingfeld, accompanied by Wm. McCoskry, Acting Consul, came to our King on the 28th July, and desired his presence on board Her Majesty's ship *Prometheus* the next day ; our King is also requested by them to come without the Chiefs and captains. To this the King would not agree, and it was at last decided that if he should come with them, he, the King, may leave them behind, for the Commander says he has a secret to tell the King.

The next day, arrive ; our King went on board Her Majesty's ship *Prometheus*, and the secret was revealed to the King by the Commander, and which secret was that the King may give up the island of Lagos, with all its rights, territories, &c.

To this our King would not agree : his reply was that he will not give up the island of Lagos ; so there was no decision of the matter till the return of the King.

On the 3rd instant the said Commander, N. B. Bedingfeld, accompanied by Wm. McCoskry, with two brass-gun boats and lots of well-armed marines, came over to the King's, and commanded him to sign the paper in which was drawn the following words—"To give up the island of Lagos," &c. This, again, the King would not sign, and, moreover, asked for permission for some times first to inform Her Britannic Majesty's Queen. This the Commander would not allow ; so the King inform the Commander thus—if the white merchants or emigrants has any affair, let them settle it between themselves. So the Commander replied, if the King would sign what he has now said, he may show his presence at the British Consulate to-morrow, the 4th instant. Such being the case, that the King went to the Consulate the next day, instead of what the King has told the Commander previous that he would sign, there is drawn in the paper more words that the King knows nothing of, and Commander N. B. Bedingfeld impose on the King to sign it. But the King replied that he will not sign a paper to which he is not agree with the contents ; so Commander Bedingfeld replied if the King will not sign the paper, he will beak down Lagos.

Previous to this, men, women, and children, are getting into canoes, fleeing away for their lives.

To prevent the fight between the Commander and the King, the paper was signed by our King, who informs us that he will write to inform Her Britannic Majesty's Queen about the whole matter; how that it was through compulsion he, the King, was made to sign the paper.


We, as the common people in the King's dominion, take it upon ourselves to cry unto Great Britain Queen for our King Docemo. Seeing that we are enemies to all the interior Chiefs, from the date that the late King Akitoye has fallen into a covenant with the Queen of Great Britain, and from since the time of the signing of the Treaty that contains the suppression of the Slave Trade; this the interior Chiefs greatly abhor, and for that purpose will not agree with the people of Lagos, seeing they have no more places to dispose their slaves. But we, the people of Lagos, cares nothing about them so long as Britain is our backstay.

But as the English have turned their backs towards us, we are shamefully fallen down before our enemies the slave-dealers.

This induces us to cry so humble unto Her Britannic Majesty's Queen, that we are fallen down before our enemies, together with our Chiefs and King.

We, therefore, in the name of the Almighty the Supreme Being, Ruler of the Universe, beg Her Britannic Majesty's Queen to raise us up, and let Her Majesty's praise be heard throughout the whole African lands.

We, the Undersigned, &c.

EDON <sup>his</sup> , and 81 others.  
mark.

*No. 8.—Earl Russell to Acting Consul McCoskry.*

SIR,

*Foreign Office, September 23, 1861.*

I HAVE received your despatch of the 7th ultimo, reporting the steps which you took, in conjunction with Commander Bedingfeld, of Her Majesty's ship *Prometheus*, to effect the occupation of Lagos, and inclosing a Treaty signed by the King and Chiefs of Lagos, ceding that island and its dependencies to Her Majesty; and I have to convey to you my approval of your proceedings, and of your having adopted the title of Acting Governor of Lagos.

I am, &c.

*W. McCoskry, Esq.*

RUSSELL.

*No. 9.—Acting Consul McCoskry to Lord J. Russell.—(Rec. Oct. 12.)*  
(Extract.)

*Lagos, September 3, 1861.*

I AM happy to report that since the cession of this place everything has gone on quietly, and our relations with the surrounding Chiefs are satisfactory. We are, however, much in need of a person

in Abbeokuta to look after our commercial interests; there are numerous complaints against subjects of Abbeokuta, and it is most difficult, by letters or messengers, to put the matter in such a light before the Alake that offenders are brought to justice. The country being at war is the excuse given for many irregularities complained of, and it may be so to some extent; but I have great hopes that when the British Government have an accredited agent resident in Abbeokuta, we might succeed in stopping both the war and the evils to which it gives rise.

I have been given to understand that Docemo, by the advice of some emigrants from Sierra Leone, has taken some steps to induce the British Government not to take possession of Lagos. I have little fear that any argument he or his friends can use will have the effect of altering your determination, but it is my duty to inform you that Docemo himself is not the mover in the matter.

It is needless for me to recapitulate the arguments in favour of having Lagos under British rule; all my predecessors have found that due protection to property, life, and liberty could not be secured under native rule, and the native laws and customs in reference to slaves are quite incompatible with any great progress towards civilization.

*Lord J. Russell.*

W. McCOSKRY.

*No. 10.—The Chiefs of Lagos to Her Majesty Queen Victoria.  
(Communicated to Earl Russell by the Rev. H. Venn, October 28.)\**

MADAM,

*Lagos, September 10, 1861.*

WE, the Undersigned, Chiefs of Lagos, send this as a compliment again to Her Majesty. We have heard, and observe in several instances, that the Queen of Great Britain is such a merciful Queen as not to be compared to any in the earth.

We observed one particular undertakings of Her Majesty; that having known we poor black African, we that often raises war against ourselves, fight, kill, and the remnant we dispose to the slave-dealers. But through Her Majesty's good actions, the slaves are taken from their purchasers and carried to British colony, and are there set at liberty. They were in the meantime made to observe wisdom and instruction. After this they were brought to their native lands by the expence of Her Majesty.

The emancipated reached their homes, meet their parents in sound health, and they all began to be merry. This we observe, moreover, several other instances which induces us all to join our voices in one solemn prayer that the blessing of God may rest on Great Britain Queen.

\* This and the two following letters are printed *literatim*.

Be it known to Her Majesty that her good undertakens our late King Akitoye observe ; and when he is in a troubled state, induces him to appeal to Her Majesty for assistance. The whole complaint of our late King has been heard, and it was proved to be, in fact, he was the right heir of the throne, and that he was driven from it by the exiled Prince Kosoko.

Her Majesty the Queen of Great Britain observ'd that our late King has been perfect in all his complaint ; induced her to send him with a full command to be replaced on his former throne. His former villages or places belonging to him were given up to him ; moreover, the laws of Great Britain were placed in his hands by Her Majesty's Representative, the late Consul J. Becroft ; the said law of which we do prove that'till his death never transgress.

After his death, the late Consul B. Campbell, by the command of Her Majesty, took his son, Docemo by name, and set him on the throne, and gave him the afore-mention'd laws of Great Britain which his father had left, the least of which our present King do not set apart.

But unexpectedly, the 28th July last, we saw Commander Norman B. Bedingfeld, of Her Majesty's ship *Prometheus*, and Wm. McCoskry, Acting Consul, came to our King. We afterwards learn that his presence is wanted on board Her Majesty's ship *Prometheus* the following day. He is requested to call on board the said steamer without his Cheifs and captains ; but his reply is, he will not come alone. Notwithstanding this, the Commander replied, that if the King chooses to call over, he may left the said Cheifs and captains behind.

Seeing that he, Commander Bedingfeld, have a secreet word to inform the King, the next day, being the 29th, our King went on board the said steamer, and the secreet word was discovered to him, *i. e.*, our King must give up the Island of Lagos, with all "the rights, profits, territories," &c. This was drawn in a paper, and Commander Bedingfeld requested our King to sign it, but he rejected. There is no decision made that day previous to our King's return.

On the 3rd August last, the said Commander and Wm. McCoskry call on the King, with two brass-gun boats, well armed marines, and commanded the King to sign the said paper or Treaty he has refused to sign on board Her Majesty's ship *Prometheus* ; this the King would not consent to do. For some time previous the King has asked the Commander for permission to write to Her Majesty respecting the said Treaty, but it was disregarded. Seeing that the Commander impose so much on the King to sign the said Treaty, he was obliged to tell him that he agree to one thing, *i. e.*, if any white gentleman or emigrant in the island has any affairs, that

it should be settled by themselves. After this the Commander requested the King to call on him at the British Consulate the following day, as to sign what he consented to. Such being the case that the King went there the next day; but instead of what he was call'd for, the Commander brought before him the one he had previous refused to sign, and bade him sign it, or else he will instantly discharge fire on the island.

To prevent the Commander from firing to the land, and to keep back those that intent to leave the island on account of the confusion, induces him to sign the Treaty.

We afterwards learn from him that he was obliged the more to sign the Treaty in order to be permitted to write to Her Majesty.

Dear Madam,—We are very sorry to bring to Her Majesty's notice that all the interior Cheifs were enemy to us; the particular reason is, because our late King Akitoye had fallen into a covenant with the Queen of Great Britain, and he had signed the Treaty for the suppression of the Slave Trade, which the interior Chiefs dislike. The fact is, they have no more convenient place or port as that of the island of Lagos to dispose their slaves.

But as we are now receiving such hard treatment as that from Commander Norman B. Bedingfeld, of Her Majesty's ship *Prometheus*, we say Great Britain now turned her back towards us. And, yea! we are falling down before our enemies the slave-dealers.

This induces us to cry unto Her Majesty that we are dropping down before our enemies, together with our King and people.

Therefore we, in the name of God, beseech Her Majesty the Queen of Great Britain to raise us up, and let not our adversaries triumph over us. Yea! Her Majesty's praises shall be heard throughout the whole African lands.

With this, we beg, &c.

his  
ONIKOYI , and 23 others.  
mark.

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(*Inclosure 1.*)—*Petition from certain Natives of the Island of Lagos.*  
*Lagos, September 10, 1861.*

To the Queen's Most Excellent Majesty.

MADAM,

WE, the Undersigned common men of the Island of Lagos, do send this again, as a compliment to Her Majesty the Queen of Great Britain.

We have heard, and observe in several instances, that Her Majesty is a merciful Queen, not to be compared to the rest Queens or Kings of the earth, save to the Supreme Being.

Her Majesty's actions we observed first was, by not knowing we poor black Africans, we that often raise war against ourselves, fight,

kill, and the remnant we sold to the slave dealers. But through Her Majesty's good actions the slaves are taken from the slave-dealers, and are carried to British settlement, where they were made free; moreover, they were made there to observe wisdom and instruction. After this they were brought to their native lands by the expence of Her Majesty.

The emancipated reached their homes, met their parents, in sound health, and they all began to be merry. This we observe, moreover, several others of the sort, which induces us all to join our voices in one solemn prayer, that the blessing of God may rest on Great Britain Queen.

N.B.—That such good actions of Her Majesty our late King Akitoye observe, and when he is in trouble do beseech Her Majesty for assistance, and the which has been granted.

Her Majesty have heard the whole complaint of our late King, and have deeply search into the matter, and it was found to be in fact he was the right heir of the throne, and that he was driven out by the exiled Prince Kosoko. Her Majesty Queen of Great Britain observ'd that our late King has been perfect in his complaint. This leads Her Majesty's good wishes to bring our late King Akitoye to his home, and replaced him on his former throne. Moreover, the laws of Great Britain is placed in his hands, which we do prove that till his death never transgress.

Previous to this, by the command of His Majesty, the whole town or villages of our late King were delivered to him by the hand of the Queen's Representative, namely, the late Consul J. Beecroft.

After our King's death, the late Consul B. Campbell, by the command of Her Majesty, took his son Docemo and place him on the throne of his father; also he gave him the laws of Great Britain, which his father had left. We humble beg to state that we have not heard that our present King brake any of the laws of Great Britain, Britain Queen.

But on the 28th July last we saw unexpectedly Commander Norman B. Bedingfeld, of Her Majesty's ship *Prometheus*; and Wm. McCoskry, Acting Consul, came to our King. We afterwards learn that our King's presence is wanted on board Her Majesty's ship *Prometheus* the following day. He is requested to call on board the said steamer without his Chiefs and Captains; but his reply is that he will not come alone. Notwithstanding this, the Commander replied that if the King choose to come he may left the said Cheifs and Captains behind him, seeing that he, Commander Bedingfeld, has a secreet word to tell the King.

On the next day, the 29th, our King went on board the said steamer, and the secreet word was discovered to him by Commander Bedingfeld; that is, our King must give up the island of Lagos,

with all the "rights, profits, and territories," &c. This was drawn in a paper, and our King is requested to sign the same; and we were witnesses to the same that our King refuses to sign the said paper or Treaty. There is no décision made till our King's return.

On the 3rd of August last, the said Commander and Wm. McCoskry came over to our King with two brass-gun boats, well-armed Marines, and commanded the King to sign the said Treaty that he has refused to sign on board Her Majesty's ship *Prometheus*; but our King would not. Previous to this, the King asked the Commander for permission to write to Her Majesty respecting the same, but it was disregarded.

Seeing that the Commander impose so much on the King to sign the said Treaty, he was obliged to tell him that what he agree to is this: that if the white gentlemen and emigrants in the town has any affairs between themselves, let it be settled by themselves.


After this the King was called to the British Consulate to sign what he agree to; but instead of that, the Commander brought before him the rejected Treaty, and told him then that, whether he wish to sign or not, he is ready to take the island of Lagos by compulsion.

To prevent the Commander from firing in the town, and to keep his people from running away for specified time, induces him to sign the said Treaty. We after this learn from the King that he was obliged the more to sign the Treaty in order to be permitted to write to London to Her Majesty.

Dear Madam, we are extremely sorry to state that all the interior Cheifs were our enemies. The reason is, because our late King Akitoye had, as it were, fallen into a covenant with the Queen of Great Britain, and had signed the Treaty for the suppression of the Slave Trade, which the interior Chiefs dislike, seeing they have no more convenient places to dispose of their slaves.

But as we are now receiving such hard treatment as that from Commander N. B. Bedingfeld, of Her Majesty's ship *Prometheus*, we say, Great Britain now turned her back towards us; and yea! we are falling down before our enemies the slave-dealers.

This induces us to cry unto Her Majesty that we are dropping down before our enemies, together with our King, Cheifs, and Captains. Therefore we, in the name of God, beseech Her Majesty the Queen of Great Britain to raise us up, and let not our enemies triumph over us. Yea! Her Majesty's praises shall be heard throughout the whole African lands. We beg, &c.

his  
EDON , and 79 others.  
mark.



(Inclosure 2.)—*The Chiefs of Lagos to Her Majesty Queen Victoria.*  
 MADAM, *Lagos, September 10, 1861.*

WE, the Undersigned, Cheifs of Lagos, send this as a compliment to Her Majesty.

We herewith beg to state, that since we have written last to Her Majesty, till this present, the island is not at ease. There is much disquietness in the land. The King, as it were, informing the people in the town to be quiet, for that he has written to Her Majesty, and in short expecting to receive a satisfactory reply.

Let us beg to inform Her Majesty that a merchant here, by name Wm. McCoskry, Esq., whom the late Consul G. Foote made a Vice-Consul, is rather a hard man for us.

His actions towards us is very savage.

We do not witness such bad treatments from the late succeeding Consuls or Acting-Consuls as these at Coskry's time. Of this gentleman we beg to say he knows nothing about the management of the town; and we, in our common sense, judge that he is not a fit man for the office he is placed.

We beg to say (not of command) that we do not want this gentleman McCoskry to hold the office of a Vice-Consul any longer in this island. Why so? Our King, in the time of the late Consul B. Campbell, made some rules, which, if any disregard, a penalty of certain sum is to be laid on him. Notwithstanding this Mr. Coskry went against the rules, and the said penalty was laid on him. We see from since that time he was seeking the destruction of our King.

All his endeavours is to be an office-bearer to Her Majesty, in order to get the more chance to revenge himself on the King. This we forsee in his movements.

Properly speaking, this gentleman is our real enemy; and if he continue bearing the office of a Vice-Consul in this island he will totally destroy it—not by his power, but by making many false reports concerning things that we knows nothing of. This induces us to write, as to inform Her Majesty previous.

We hope this few lines will meet Her Majesty, as well as the Royal families, in a good health.

In this we pray that Her Majesty may long live to see the civilization of Africa, by the hand of her good Representatives.

With this, we beg, &c.

his  
 ONIKOYI , and 23 others.  
 mark.

(Inclosure 3.)—*King Docemo to Her Majesty Queen Victoria.*

MADAM, *King's Palace, Lagos, September 10, 1861.*

I, KING DOCEMO, of the Island of Lagos, compliments to Her Majesty the Queen of Great Britain.

By this I return thanks to Her Majesty, and do wish her prosperity and good health.

Let me beg to say that the Queen of Great Britain has done, and still doing, much good for we Africans, the thanks of which we were unable to return.

May I not say the Africans? for what Her Majesty has done for my late father Akitoye were more than what I could express. The goodness, I say, which has been done to my late father, that by bringing him to his home, and replaced him on his former throne. Moreover, he has been authorized to govern all the neighbouring villages by the Representative of Her Majesty, the late Consul J. Becroft.

The laws of Great Britain also have been placed in his hands, and in the which we found written, that the successions to be secured to his heirs males. In obedience to which, after my father's death, I was set on the Throne by the late Consul B. Campbell.

Dear Madam,

My father's Treaty with Great Britain Queen were placed in my hands: I had also signed some Treaties with Her Majesty's Representative. These, as well as that of my father, I have in hand, and I am guided by the same.

But unexpectedly, Commander Norman B. Bedingfeld, of Her Majesty's ship *Prometheus*, come in the river. On the 28th July last, which is the third day after her arrival, the said Commander, accompanied by Wm. McCoskry, Acting Consul, over to my place, and requested me to show my presence on board Her Majesty's ship *Prometheus* the following day; moreover, I was informed to do without my Cheifs and Captains on my coming. This I rejected, but seeing that I could not be persuaded to do so, the Commander told me to left them behind me, because he has a secreet word to inform me.

The following day, being the 29th, I went on board the said steamer; the Commander then revealed to me the secreet word, which is a Treaty, that I may give up the island of Lagos, with all the "rights, profits, territories," &c. He requested me to sign it, but I would not, for it looks very strange in my appearance. I took a deep consideration on the same, and call to mind that had the Queen of Great Britain in want of the island of Lagos for her uses, it might not have been given to my late father.

On the 3rd Agst. last I send for the Commander that I wanted to see him; he also send to inform me that he has heard of my preparations to fight him, and that on his coming I must expect to see

him with troops. I immediately sent back the very bearer to inform the Commander that there is nothing of the sort he mentioned in my heart. Notwithstanding this, the Commander, accompanied by Wm. McCoskry, with two brass gun-boats, and lots of well-armed marines, over to my palace. I inquired from the Commander the reason of his calling on me in such manner; he replied that he has heard of my preparations to fight him, which induces him to call on me in this way. I asked him again that do not I send back your messenger to inform you that there is no danger in my part? For that I am set on the throne by Her Majesty's command, and shall it be in my mind to fight against the British subjects? Oh no! such intention is beyond my power. After this, the Commander requested me to sign the Treaty that I had refused to sign on board Her Majesty's ship *Prometheus*. This again I would not sign; but he impose on me so hardly that I was obliged to tell him that what I could do is, that if any gentleman, white or black, has any affair betwixt them, I agree that they should have it settled by themselves.

Such being the case, that the Commander requested me to call on him at the British Consulate the following day, in order to sign the Agreement made.

On the following day I went over to the Consulate, but instead of the one I consented to, the Commander brought before me the afore-mentioned Treaty, and requested me to sign it. Seeing I am not pleased with the contents, I again refuse to sign it. But he impose on me so much the more, with a strict command that if I would not, he will presently discharge his cannons on the island, and that he will brake it down in few seconds.

To prevent the Commander from discharging his cannons on the land, and to keep the people in the town quiet for specified time, and moreover to be permitted to write Her Majesty on the same account as I herewith have done, induces me to sign the said Treaty.

Dear Madam,

I deeply sorry to lay this complaint before your Majesty, seeing there is no other King or Queen on the earth on whom I rely, but Her Majesty the Queen of Great Britain, seeing that by Her Majesty's command I was set on the throne of my ancestor.

But Commander N. B. Bedingfeld and Wm. McCoskry's determination is to dethrone me; so by this I stretch forth my hands to Her Majesty. Oh, save me! lest I be plucked down.

Herewith I inclose Her Majesty again the duplicate of the Treaty that Commander Bedingfeld and Wm. McCoskry compelled me to sign.

With this I sincerely pray that the blessing of God most gracious might rest on Great Britain Queen. May God make her enemies fall

down before her ; and yea ! the sons and daughters of Africa shall triumph in the elevation of Britannier.

With this I beg, &c.

(Docemo's Seal.)

No. 10\*.—Commodore Edmonstone to Rear-Admiral Sir B. Walker.

SIR,

Arrogant, off Cabenda, September 22, 1861.

I HAVE the honour to report, for your information (what, however, no doubt ere this has been communicated to Her Majesty's Government), that Lagos was formally and peaceably taken possession of, and transferred to us as a British dependency, on the 6th ultimo, in accordance with the Queen's commands as conveyed in their Lordships' instructions of the 28th June last.

For the immediate details bearing upon this important transaction, I beg leave to refer you to an extract from Commander Bedingfeld's Report, a copy of which is annexed, where it will be seen how very materially this happy result has been obtained, not only from the coolness and good arrangements of Acting Governor McCoskry, but also from the energy and great ability shown by Commander Bedingfeld on the occasion, who, from his knowledge of African character, and being on the spot, was able to render such valuable assistance at the proper moment.

It is impossible, for obvious reasons, to estimate too highly the advantages gained to us nationally by the fact that Lagos was duly ceded, without force or violence, and I trust that the merits of the officer (Commander Bedingfeld), in aiding to settle this matter so satisfactorily, will not be overlooked by yourself and the Lords Commissioners of the Admiralty.

The *Prometheus*, I am rejoiced to say, has apparently received no great damage in crossing the bar, and I hope she may get out without much sickness or difficulty. By the last accounts the crew were very healthy. In the meantime, until a sufficient force of black troops arrives to support the Government, she must remain within the bar, Commander Bedingfeld's presence being very much required at this moment.

I have only to state, in reference to such force, that I consider a substantial police indispensable under any circumstances.

I have, &c.

Rear-Admiral Sir B. Walker.

W. EDMONSTONE.

(Inclosure.)—Extract from a Report by Commander Bedingfeld.

July 26. 1.45, anchored off Lagos, received our mails and a requisition from the Consul for my co-operation on shore, he having received most important despatches ; also a letter from the Governor

of the Gold Coast requesting a man-of-war might call occasionally; made signal to *Brune* to bring out pilot in the morning. 6.18, *Ranger* anchored and got her mails.

*July 27.* 7.30, *Brune* came out, bringing the pilot; they reported a good bar for going in, having had nothing less than 15 feet at dead low water, as they crossed the bar coming out. 8.30, weighed under steam to go into the river. 8.45, grounded on the eastern spit, as mentioned in separate letter. 9.30, anchored off the Consulate at Lagos, *Brune* in company, and communicated with Her Majesty's Consul: *Ranger* left to cruise off Popoe, and watch *African*.

*July 29.* Cleared holds to examine ship fore and aft, but could not discover very little damage; making about 9 inches of water in 24 hours. Went with Consul to have an interview with King Docemo, informed him that important despatches had arrived from England, and arranged a palaver on board the *Prometheus* on the 30th, at noon.

*July 30.* Palaver was held at 12.30, the Consul, Interpreter, and the King and Chiefs being present; explained to Docemo and his Chiefs that Her Majesty's Government had decided upon the permanent occupation of Lagos, allowing him a proper pension; requested Docemo to sign a Deed of Cession, giving him until Thursday to consider and talk it over with his Chiefs.

*July 31.* Docemo had a large meeting of his Chiefs during the day; inspected Her Majesty's ship *Brune*; directed Lieutenant-Commander Forrest to station and drill his men at the guns, which has never yet been done.

*August 1.* 1.30, proceeded with the Acting Consul and Interpreter to the King's house to receive his answer to the propositions made to him on the 30th. Docemo declined to sign any paper giving up his country, and barely treated Her Majesty's Consul and myself with respect; he expressed a doubt that we were empowered to make any such proposals, and wished to see a paper signed by all the head men in England. We advised Docemo to reconsider the matter before the arrival of the mail, and as there seemed to be considerable excitement in the town, I warned Docemo and his Chiefs I should hold them responsible if any disturbance took place.

*August 2.* Sent Mr. Piper and leadsmen in Mr. McCoskry's steamer, as she was going over the bar, in order that they might sound in and out. At 12, held a meeting of all the Europeans and some native merchants at the Consulate, and informed them of the determination of Her Majesty's Government. The announcement was received with apparent satisfaction by all the Europeans, but it was not so evident with the Sierra Leone people, many of whom

have run themselves considerably in debt, and English law will no doubt be unpleasant to them.

*August 3.*—Steamer *Advance* returned with Mr. Piper; they had 15 feet coming over the bar. Docemo sent to the Consul that he wished to see him and the European merchants at a palaver without me. This the Acting Consul refused, and informed the King that we were acting in concert. The merchants all refused to go unless I was present.

*August 4.*—News arrived that the road to Abbeokuta was open for a short time. Docemo sent to ask all the merchants to assemble at his house to hear the deed of Cession explained by the Acting Consul and myself before he signed.

*August 5.*—Erected a flag-staff at a convenient place outside the Consulate. 8.30, two of the merchants came off to inform me that great excitement prevailed about the King's quarter, and they heard it was intended to create a disturbance, when the lives of those present would not be safe. Some of the Chiefs were much opposed to the Treaty, as it would take out of their hands the bribes that it was customary for them to get before they would allow any natives to approach the King. They also had to be bribed before they would administer justice to natives complained of by the white merchants. All this would of course be stopped under English law, and, therefore, they would try their utmost to thwart the Cession.

Under these circumstances, I sent a messenger to the King, to inform him that I should bring a guard of marines to keep order, and that I had made arrangements to act promptly if any disturbance took place. At 12 sent the marines in the paddle-box boat round to the King's house, sending the Interpreter with them to inform the people that they were there to keep order. I then went in the first cutter, with some of the merchants and the Acting Consul.

On arriving at the King's house the marines were landed (the boats anchoring off the beach), and drawn up outside the house, so that they could not in any way interfere with the palaver, but were near enough, if wanted. I informed the King why I had brought them. He said that none of his Chiefs would dare to molest us, but agreed with me that I was justified in taking proper precautions.

There was an immense concourse of people, and the palaver-house quite full. The Treaty was read over, and explained in Portuguese and in the country language. The King wished for two additional clauses, which were agreed to. He then promised to sign at the Consulate on the morrow, and that he would be present with his Chiefs at the ceremony of hoisting the flag, and taking formal possession. All passed off in an orderly, quiet way, the King attending us to the beach on leaving.

Early on the 6th sent circulars to the European and some of the native merchants, to invite them to the ceremony of taking possession. A messenger arrived in the morning, to say the King had altered his mind, and would not sign; but an hour later he was persuaded to do so, and arrived with all his Chiefs at 2 p.m. He was met at the gate of the Consulate by Mr. McCoskry and myself and a guard of honour, an immense number of people having collected. After signing he was escorted by us to the flag-staff, all his Chiefs and attendants being present. The Proclamation having been read, the Union was hoisted under a salute from the *Prometheus* of 21 guns, marines presenting armes; the National Anthem was sung by about 300 native children, headed by the Rev. Messrs. Maser, Macauley, and Sharp.

We then returned to the Consulate, where the King partook of refreshment, but declined being present at the dinner on board the *Prometheus*, as he could not sit so long. Simultaneously with the flag being hoisted at the town, another was hoisted at the beach. About 44 merchants sat down to dinner on the quarter-deck of the *Prometheus*. After the usual loyal toasts, numerous speeches were made by the foreign merchants, and other expressions of their satisfaction at the measures of Her Majesty's Government. I have the honour to annex copies of the Treaty and Proclamation. On the following day all was quiet.

In concluding this letter of proceedings, I regret to have to inform you that the Slave Trade is reviving again, with new vigour, in the Bights. I annex a letter from the Commandant at Accra, addressed to Lieutenant-Commander Bennett. The shipment mentioned is no doubt that of the *African*, and the two vessels the other two Americans that were spoken by the barque *Nova Elizé*. It is impossible to do anything to check this as long as there is no American man-of-war here, and I trust they will soon send one off the Volta.

The *Ranger* is at present off Jackin, where I heard of slaves collecting, but as soon as she arrives (about the 20th) I will send her at once to Ascension. The *Bloodhound* must go with the mails, &c., to Fernando Po, as she has only two days' coal left.

I shall not be able to leave this until troops arrive, so that we shall be badly off for cruizers. However, the occupation of Lagos, with a proper force on the Lagoon, will do more to suppress the Slave Trade than all the ships we could muster along the coast. The news has already spread up the country, and most exaggerated accounts as to the size of this ship, and the number of her men and guns. There is every reason to believe, however, that had we not acted promptly on this occasion, we should have had a formidable opposition from the Chiefs. Now the thing is accomplished they



are more inclined to take it quietly, but will want watching closely.

Several of the natives left the place, and took their property with them, owing to the Chiefs' threats that they would fight sooner than give in; but all are now returning, and, with the exception of an occasional fire in the town (supposed by some of the residents to be the work of an incendiary, with the hope of the fire spreading to the houses of the whites, in which supposition I do not quite agree), all is quiet.

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*No. 11.—Acting Consul McCoskry to Earl Russell.—(Rec. Dec. 12.)*  
**MY LORD,** *Lagos, November 8, 1861.*

I HAVE the honour to report the arrival here, on the 16th ultimo, of Commodore Edmonstone in Her Majesty's ship *Arrogant*. At my request Commodore Edmonstone had an interview with King Docemo on board Her Majesty's ship *Prometheus*, and explained to him the objects of the Government in wishing to put Lagos under British jurisdiction; he pointed out the advantages that would accrue to the whole population, and urged him to assist in executing the laws as they would henceforth be administered.

I am glad to say that since this interview with the Commodore, Docemo and his people have been much more docile, and he has on several occasions used his influence to cause the natives to submit to our jurisdiction.

The *Brune* gun-boat has been condemned as unserviceable, and the *Prometheus* will remain in the river till a vessel arrives to take her place.

I have, &c.

*Earl Russell.*

W. McCOSKRY.

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*No. 12.—King Docemo to Her Majesty Queen Victoria.*

**MADAM,**

*King's Palace, Lagos, January 10, 1862.*

THE King of Lagos' compliments to Her Majesty the Queen of Great Britain:

And herewith beg to forward Her Majesty with some past events, as well as the present.

That some years since the usurper, Prince Kosoko, had possession of the Throne of Lagos, without right, but with power and mischief, and would not submit to the request of Her Majesty. He was expelled from the Island of Lagos, and the late King Akitoye, my father, through the assistance of your Majesty's Representative, reinstated to his Throne.

As soon as he was reinstated, forgiveness was offered to the followers of Kosoko, on condition that they surrender, and acknowledge allegiance to the King, thereby claiming his clemency. In reliance on this many returned to Lagos and surrendered themselves;

the principal of them were Chief Possa and Ajeniya, who, in like manner, submitted themselves with their people.

As the late King was a Prince of known clemency he did not deny them the promised forgiveness; but notwithstanding all these kindness the two mentioned Chiefs (through the instigation of Kosoko, who is living at some distance) raised their arms against the late King, with the intention of taking his life, if possible, that Kosoko might claim the Throne.

But Providence did not suffer it to happen; the late King has been promptly assisted by Her Majesty's naval force, and these rebels were again driven away; and Kosoko, who have been sent for by the said Chiefs prior to their rebellion, having arrived during the time of the fighting, with his war-people, was also repulsed with his troops.

This led the late King to make a solemn Declaration, that so long as Her Majesty the Queen of Great Britain is on his behalf, as well as on behalf of his successors, these rebels will no more step on the island of Lagos.

After the late King's death, I Docemo, as the rightful heir to the Throne, has been enabled, through Her Majesty's Representative, to possess the same.

On my accession I ratified the Declaration aforesaid. The Representative of Her Majesty then proceeded to Epé, where Kosoko resides, and get Kosoko, with his principal Chiefs, to sign a Treaty, to the effect that they will not, for the future, return to Lagos. But on December 9, 1861, Commander Bedingfeld wrote to inform me that his old friend, Tappa by name, who is Prime Minister to Kosoko, is about to pay him a friendly visit on board Her Majesty's ship *Prometheus*, and that he will be under Commander Bedingfeld's protection during his stay on the island of Lagos.

The King have not given Commander Bedingfeld a reply to this ere Tappa's arrival to the town was announced, which was on the 14th instant.

During Tappa's visit and interviews with the King it became evident that Commander Bedingfeld has invited Tappa to come to Lagos, previous to his informing the King, in violation of the aforementioned Treaty.

Notwithstanding this, the King entertained Tappa and his followers, as becometh so high a personage, when Commander Bedingfeld accompanied Tappa over to the Palace on the 16th instant.

Previous to the dismissal Commander Bedingfeld told the King that they will call on him the following day, on particular matter.

On the 18th of the same month they called, when Commander Bedingfeld told the King that they wished to have Tappa at Lagos,

as the Consul for the people at Epé, and that whether the King is pleased to it. He agreed to the same, and spoke to Tappa personally, that he will be glad to receive him if he is willing to reside on the island of Lagos. The King further spoke to Commander Bedingfeld that his wishes is that peace and prosperity might flourish throughout his territories.

When, to the King's astonishment, Tappa stood up, and said that he will not come to Lagos without Kosoko.

That when he (Tappa) was invited to come to Lagos it was publicly at Epé, by Commander Bedingfeld, as follows :

We (that is, the British) have now taken Lagos ; you may come whenever you like (it may be well to remark that Commander Bedingfeld has visited Epé in ——— last, 1861). To which Commander Bedingfeld replied, that they will not bring Kosoko to Lagos at present.

This speech make the dealings of Commander Bedingfeld with the King appear suspicious.

This Kosoko, who would not submit to the request nor take the advice of Her Majesty's Representatives when he was on the Throne, but always ready to show his power and treat Her Majesty's Representatives with contempt, was, on that account, expelled from the island of Lagos and banished to Epé, where he is at present, with a strict order not to be seen on the island of Lagos any more.

That your Majesty is very anxious to uphold the observance of Treaty stipulations, the King of Lagos rely on a full confidence that Her Majesty the Queen of Great Britain will not suffer permit Kosoko to return to the island of Lagos.

For this Kosoko's dreadful actions and cruel treatment are observed in many instances.

During the time of the civil war with the late King Akitoye, as soon as the late King left the island Kosoko cruelly murdered the parents of many children who are now grown up into age, and will avail the first opportunity to revenge, if possible ; he cut asunder many infants, and throw into the river many alive persons ; butchered many Prince and Princess of the late King.

These and many other cruel deeds, which would tingle the ears and make the blood run cold to describe.

The King wants nothing but peace and tranquillity to reign throughout his lands.

But Commander Bedingfeld daily occasions dissatisfaction, which does not become one that seeks the interest of the country, and a Representative of your Majesty's Government.

The King hopes this few statements will meet Her Majesty and Royal family in a pleasant health. May Heaven grant Her Majesty's heart's desire, the civilization of Africa, and continue to be

the African's guide and protector, is the prayer of your Majesty's obedient and faithful friend.

(Docomo's Seal.)

*No. 18.—Acting Consul McCoskry to Earl Russell.—(Rec. Feb. 10.)*

MY LORD,

Lagos, January 7, 1862.

I HAVE the honour to inclose the returns of produce, as far as I have been able to obtain them, of the exports from the several ports in the Bight of Benin.

The return from Lagos, Palma, and Badagry can only be regarded as correct, the means of communication between here and the other ports not enabling me to get more than an approximation to the truth.

Whydah alone is now to be looked upon as the slave-exporting station. Shipments may occasionally be made at other places, but the slaves will in most cases be found to have collected there.

At Aghwey and Popoe a civil war interrupts legitimate commerce, but I have heard of no slaves being shipped there of late.

There is a decrease of the exports of produce owing to the general disturbed state of the countries in the Bight of Benin.

I have, &c.

Earl Russell.

W. MCCOSKRY.

*(Inclosure.)—Return of the Exports from Lagos, from July 1 to December 31, 1861; and January 1 to June 30, 1862.*

Month.	Number of casks.	Old wine, gallons.	Weight of Ivory.	Number of bales, Cotton.	Weight.
			lbs.		
July .. ..	1,030	130,405	1,525		
August .. ..	591	88,378			
September .. ..	1,267	151,286			
October .. ..	907	122,738	196		
November .. ..	404	52,945	15		
December .. ..	787	117,328			
January .. ..	456	56,479			
February .. ..	881	100,026	882		
March .. ..	632	89,394			
April .. ..	720	89,025			
May .. ..	859	115,363			
June .. ..	352	46,460			
	8,836	1,159,627 3,865 tons.	2,618	1,308	118 lbs. each bale.

Palma, 1,200 tons oil; no cotton.

Badagry, 1,600 tons oil; no cotton.

W. MCCOSKRY.

*No. 14.—Consul Freeman to Earl Russell.—(Received April 12.)*  
(Extract.) *Lagos, March 8, 1862.*

I HAVE the honour to report to your Lordship that, after several lengthened discussions with Docemo and his Chiefs, I have terminated to their satisfaction all the questions arising out of the Treaty of Cession signed on the 6th of August last.

I should have settled everything immediately on my arrival but I encountered a strong opposition from Docemo and his Chiefs, who even went so far as to declare that they were forced into signing the Treaty of Cession without understanding its contents. Knowing this to be false, as at the formal signing of the Treaty there were present many people perfectly conversant with both the English and Yoruba languages, I endeavoured to ascertain the source of these new difficulties, and I soon discovered that they were caused by White-capped Chiefs. These Chiefs are the rightful possessors of the land upon which they depend for their subsistence. Whenever war breaks out, and the King is attacked, they retire into the bush, to return again when peace is re-established, and are then acknowledged by the victors as the legal owners of the soil. Thus the King and war-men hold no lands unless by grant from the White-capped Chiefs.

These Chiefs had been persuaded by certain parties, whether maliciously or through ignorance it is difficult to ascertain, that the cession of Lagos to the British Crown involved the abrogation of all private rights of property, and they, therefore protested that the King could not give away their lands, and that they did not understand such to be the meaning of the Treaty when it was signed. Hence the origin of their holding back from a final settlement.

On the 11th ultimo I received the King and his Chiefs at my house, and detailed to them the reasons which induced Her Majesty's Government to obtain the cession of this island; pointed out the changes which will result therefrom, and explained to them that far from depriving them of their private property, the cession will render it more valuable to them.

They declared they had never viewed the question in that light before, and they left my house quite satisfied. Two days after the King came again in the evening, and signed an additional paragraph to the Treaty, by which he agrees to receive in compensation for the revenue he gives up, an annual pension of 1,200 bags of cowries, equal, at the present rate of exchange, to 1,030*l.* sterling.

*Earl Russell.*

W. P. W. FREEMAN.

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*MESSAGE of the President of The United States, on the  
Opening of Congress.—Washington, December 1, 1862.*

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FELLOW-CITIZENS OF THE SENATE AND  
HOUSE OF REPRESENTATIVES,

SINCE your last annual assembling, another year of health and bountiful harvests has passed. And while it has not pleased the Almighty to bless us with a return of peace, we can but press on, guided by the best light He gives us, trusting that in His own good time and wise way all will yet be well.

The correspondence touching foreign affairs which has taken place during the last year is herewith submitted, in virtual compliance with a request to that effect made by the House of Representatives near the close of the last session of Congress.

If the condition of our relations with other nations is less gratifying than it has usually been at former periods, it is certainly more satisfactory than a nation so unhappily distracted as we are, might reasonably have apprehended. In the month of June last there were some grounds to expect that the maritime Powers which, at the beginning of our domestic difficulties, so unwisely and unnecessarily, as we think, recognized the insurgents as a belligerent, would soon recede from that position, which has proved only less injurious to themselves than to our own country. But the temporary reverses which afterwards befell the national arms, and which were exaggerated by our own disloyal citizens abroad, have hitherto delayed that act of simple justice.

The civil war, which has so radically changed for the moment the occupations and habits of the American people, has necessarily disturbed the social condition, and affected very deeply the prosperity of the nations with which we have carried on a commerce that has been steadily increasing throughout a period of half a century. It has, at the same time, excited political ambitions and apprehensions which have produced a profound agitation throughout the civilized world. In this unusual agitation we have forborne from taking part in any controversy between foreign States, and between parties or factions in such States. We have attempted no propagandism, and acknowledged no revolution. But we have left to every nation the exclusive conduct and management of its own affairs. Our struggle has been, of course, contemplated by foreign nations with reference less to its own merits than to its supposed and often exaggerated effects and consequences resulting to those nations themselves. Nevertheless, complaint on the part of this Government, even if it were just, would certainly be unwise.

The Treaty with Great Britain for the suppression of the Slave Trade has been put into operation with a good prospect of complete

success. It is an occasion of special pleasure to acknowledge that the execution of it, on the part of Her Majesty's Government, has been marked with a jealous respect for the authority of The United States, and the rights of their moral and loyal citizens.

The Convention with Hanover for the abolition of the Stade dues has been carried into full effect, under the Act of Congress for that purpose.

A blockade of 3,000 miles of sea-coast could not be established and vigorously enforced, in a season of great commercial activity like the present, without committing occasional mistakes, and inflicting unintentional injuries upon foreign nations and their subjects.

A civil war occurring in a country where foreigners reside and carry on trade under Treaty stipulations, is necessarily fruitful of complaints of the violation of neutral rights. All such collisions tend to excite misapprehensions, and possibly to produce mutual reclamations between nations which have a common interest in preserving peace and friendship. In clear cases of these kinds I have, so far as possible, heard and redressed complaints which have been presented by friendly Powers. There is still, however, a large and an augmenting number of doubtful cases upon which the Government is unable to agree with the Governments whose protection is demanded by the claimants. There are, moreover, many cases in which The United States or their citizens suffer wrongs from the naval or military authorities of foreign nations, which the Governments of those States are not at once prepared to redress. I have proposed to some of the foreign States thus interested, mutual Conventions to examine and adjust such complaints. This proposition has been made especially to Great Britain, to France, to Spain, and to Prussia. In each case it has been kindly received, but has not yet been formally adopted.

I deem it my duty to recommend an appropriation in behalf of the owners of the Norwegian bark *Admiral P. Tordenskiold*, which vessel was, in May, 1861, prevented by the commander of the blockading force off Charleston from leaving that port with cargo, notwithstanding a similar privilege had, shortly before, been granted to an English vessel. I have directed the Secretary of State to cause the papers in the case to be communicated to the proper committees.

Applications have been made to me by many free Americans of African descent to favour their emigration, with a view to such colonization as was contemplated in recent acts of Congress. Other parties, at home and abroad—some from interested motives, others upon patriotic considerations, and still others influenced by philanthropic sentiments—have suggested similar measures; while, on the other hand, several of the Spanish American Republics have protested against the sending of such colonists to their respective terri-



teries. Under these circumstances, I have declined to move any such colony to any State, without first obtaining the consent of its Government, with an agreement on its part to receive and protect such emigrants in all the rights of freemen; and I have, at the same time, offered to the several States situated within the tropics, or having colonies there, to negotiate with them, subject to the advice and consent of the Senate, to favour the voluntary emigration of persons of that class to their respective territories, upon conditions which shall be equal, just, and humane. Liberia and Hayti are as yet the only countries to which colonists of African descent from here could go with certainty of being received and adopted as citizens; and I regret to say such persons, contemplating colonization, do not seem so willing to migrate to those countries as to some others, nor so willing as I think their interest demands. I believe, however, opinion among them in this respect is improving; and that, ere long, there will be an augmented and considerable migration to both these countries from The United States.

The new commercial Treaty between The United States and the Sultan of Turkey has been carried into execution.

A Commercial and Consular Treaty has been negotiated, subject to the Senate's consent, with Liberia; and a similar negotiation is now pending with the Republic of Hayti. A considerable improvement of the national commerce is expected to result from these measures.

Our relations with Great Britain, France, Spain, Portugal, Russia, Prussia, Denmark, Sweden, Austria, The Netherlands, Italy, Rome, and the other European States, remain undisturbed. Very favourable relations also continue to be maintained with Turkey, Morocco, China, and Japan.

During the last year there has not only been no change of our previous relations with the independent States of our own continent, but more friendly sentiments than have heretofore existed are believed to be entertained by these neighbours, whose safety and progress are so intimately connected with our own. This statement especially applies to Mexico, Nicaragua, Costa Rica, Honduras, Peru, and Chile.

The Commission under the Convention with the Republic of New Granada closed its session, without having audited and passed upon all the claims which were submitted to it. A proposition is pending to revive the Convention, that it may be able to do more complete justice. The joint Commission between The United States and the Republic of Costa Rica has completed its labours and submitted its report.

I have favoured the project for connecting The United States with Europe by an Atlantic telegraph, and a similar project to

extend the telegraph from San Francisco, to connect by a Pacific telegraph with the line which is being extended across the Russian Empire.

The territories of The United States, with unimportant exceptions, have remained undisturbed by the civil war; and they are exhibiting such evidence of prosperity as justifies an expectation that some of them will soon be in a condition to be organized as States, and be constitutionally admitted into the Federal Union.

The immense mineral resources of some of those territories ought to be developed as rapidly as possible. Every step in that direction would have a tendency to improve the revenues of the Government, and diminish the burdens of the people. It is worthy of your serious consideration whether some extraordinary measures to promote that end cannot be adopted. The means which suggests itself as most likely to be effective, is a scientific exploration of the mineral regions in those territories, with a view to the publication of its results at home and in foreign countries—results which cannot fail to be auspicious.

The condition of the finances will claim your most diligent consideration. The vast expenditures incident to the military and naval operations required for the suppression of the rebellion, have hitherto been met with a promptitude and certainty unusual in similar circumstances, and the public credit has been fully maintained. The continuance of the war, however, and the increased disbursements made necessary by the augmented forces now in the field, demand your best reflections as to the best modes of providing the necessary revenue, without injury to business, and with the least possible burdens upon labour.

The suspension of specie payments by the banks, soon after the commencement of your last session, made large issues of United States' notes unavoidable. In no other way could the payment of the troops, and the satisfaction of other just demands, be so economically, or so well provided for. The judicious legislation of Congress, securing the receivability of these notes for loans and internal duties, and making them a legal tender for other debts, has made them an universal currency; and has satisfied, partially, at least, and for the time, the long-felt want of an uniform circulating medium, saving thereby to the people, immense sums in discounts and exchanges.

A return to specie payments, however, at the earliest period compatible with due regard to all interests concerned, should ever be kept in view. Fluctuations in the value of currency are always injurious, and to reduce these fluctuations to the lowest possible point will always be a leading purpose in wise legislation. Convertibility, prompt and certain convertibility into coin, is generally

acknowledged to be the best and surest safeguard against them ; and it is extremely doubtful whether a circulation of United States' notes, payable in coin, and sufficiently large for the wants of the people, can be permanently, usefully; and safely maintained.

Is there, then, any other mode in which the necessary provision for the public wants can be made, and the great advantage of a safe and uniform currency secured ?

I know of none which promises so certain results, and is, at the same time, so unobjectionable, as the organization of banking associations, under a general Act of Congress, well guarded in its provisions. To such associations the Government might furnish circulating notes, on the security of United States' bonds deposited in the treasury. These notes, prepared under the supervision of proper officers, being uniform in appearance and security, and convertible always into coin, would at once protect labour against the evils of a vicious currency, and facilitate commerce by cheap and safe exchanges.

A moderate reservation from the interest on the bonds would compensate The United States for the preparation and distribution of the notes, and a general supervision of the system, and would lighten the burden of that part of the public debt employed as securities. The public credit, moreover, would be greatly improved, and the negotiation of new loans greatly facilitated by the steady market demand for Government bonds which the adoption of the proposed system would create.

It is an additional recommendation of the measure, of considerable weight, in my judgment, that it would reconcile, as far as possible, all existing interests, by the opportunity offered to existing institutions to reorganize under the Act, substituting only the secured uniform national circulation for the local and various circulation, secured and unsecured, now issued by them.

The receipts into the treasury from all sources, including loans, and balance from the preceding year, for the fiscal year ending on the 30th June, 1862, were 583,885,247 dollars 06 cents, of which sum 49,056,397 dollars 62 cents were derived from customs; 1,795,331 dollars 73 cents from the direct tax; from public lands 152,203 dollars 77 cents; from miscellaneous sources, 931,787 dollars 64 cents; from loans in all forms, 529,692,460 dollars 50 cents. The remainder, 2,257,065 dollars 80 cents, was the balance from last year.

The disbursements during the same period were for congressional, executive, and judicial purposes, 5,939,009 dollars 29 cents; for foreign intercourse, 1,339,710 dollars 35 cents; for miscellaneous expenses, including the mints, loans, post-office deficiencies, collection of revenue, and other like charges, 14,129,771 dollars 50 cents;

for expenses under the Interior Department, 3,102,985 dollars 52 cents; under the War Department, 394,368,407 dollars 36 cents; under the Navy Department, 42,674,569 dollars 69 cents; for interest on public debt, 13,190,324 dollars 45 cents; and for payment of public debt, including reimbursement of temporary loan, and redemptions, 96,096,922 dollars 09 cents; making an aggregate of 570,841,700 dollars 25 cents, and leaving a balance in the treasury on the 1st day of July, 1862, of 13,043,546 dollars 81 cents.

It should be observed that the sum of 96,096,922 dollars 09 cents, expended for reimbursements and redemption of public debt, being included also in the loans made, may be properly deducted, both from receipts and expenditures, leaving the actual receipts for the year 487,788,324 dollars 97 cents; and the expenditures, 474,744,778 dollars 16 cents.

Other information on the subject of the finances will be found in the report of the Secretary of the Treasury, to whose statements and views I invite your most candid and considerate attention.

The reports of the Secretaries of War, and of the Navy, are herewith transmitted. These reports, though lengthy, are scarcely more than brief abstracts of the very numerous and extensive transactions and operations conducted through those departments. Nor could I give a summary of them here, upon any principle, which would admit of its being much shorter than the reports themselves. I therefore content myself with laying the reports before you, and asking your attention to them.

It gives me pleasure to report a decided improvement in the financial condition of the Post-Office Department, as compared with several preceding years. The receipts for the fiscal year 1861 amounted to 8,349,296 dollars 40 cents, which embraced the revenue from all the States of the Union for three-quarters of that year. Notwithstanding the cessation of revenue from the so-called seceded States during the last fiscal year, the increase of the correspondence of the loyal States has been sufficient to produce a revenue during the same year of 8,299,820 dollars 90 cents, being only 50,000 dollars less than was derived from all the States of the Union during the previous year. The expenditures show a still more favourable result. The amount expended in 1861 was 13,606,759 dollars 11 cents. For the last year the amount has been reduced to 11,125,364 dollars 13 cents, showing a decrease of about 2,481,000 dollars in the expenditures as compared with the preceding year, and about 3,750,000 dollars as compared with the fiscal year 1860. The deficiency in the department for the previous year was 4,551,966 dollars 98 cents. For the last fiscal year it was reduced to 2,112,814 dollars 57 cents. These favourable results are in part owing to the cessation of mail service in the insurrectionary States, and in part

to a careful review of all expenditures in that department in the interest of economy. The efficiency of the postal service, it is believed, has also been much improved. The Postmaster-General has also opened a correspondence, through the Department of State, with foreign Governments, proposing a Convention of postal representatives for the purpose of simplifying the rates of foreign postage, and to expedite the foreign mails. This proposition, equally important to our adopted citizens, and to the commercial interests of this country, has been favourably entertained, and agreed to, by all the Governments from whom replies have been received.

I ask the attention of Congress to the suggestions of the Postmaster-General in his report respecting the further legislation required, in his opinion, for the benefit of the postal service.

The Secretary of the Interior reports as follows in regard to the public lands :

“The public lands have ceased to be a source of revenue. From the 1st July, 1861, to the 30th September, 1862, the entire cash receipts from the sale of lands were 137,476 dollars 26 cents—a sum much less than the expenses of our land system during the same period. The homestead law, which will take effect on the 1st of January next, offers such inducements to settlers, that sales for cash cannot be expected, to an extent sufficient to meet the expenses of the General Land Office, and the cost of surveying and bringing the land into market.”

The discrepancy between the sum here stated as arising from the sales of the public lands, and the sum derived from the same source as reported from the Treasury Department arises, as I understand, from the fact that the periods of time, though apparently, were not really, coincident at the beginning point—the Treasury report including a considerable sum now, which had previously been reported from the Interior—sufficiently large to greatly overreach the sum derived from the 3 months now reported upon by the Interior, and not by the Treasury.

The Indian tribes upon our frontiers have, during the past year, manifested a spirit of insubordination, and, at several points, have engaged in open hostilities against the white settlements in their vicinity. The tribes occupying the Indian country south of Kansas, renounced their allegiance to The United States, and entered into Treaties with the insurgents. Those who remained loyal to The United States were driven from the country. The Chief of the Cherokees has visited this city for the purpose of restoring the former relations of the tribe with The United States. He alleges that they were constrained, by superior force, to enter into Treaties with the insurgents, and that The United States neglected to furnish the protection which their Treaty stipulations required.

In the month of August last the Sioux Indians, in Minnesota, attacked the settlements in their vicinity with extreme ferocity, killing, indiscriminately, men, women, and children. This attack was wholly unexpected, and, therefore, no means of defence had been provided. It is estimated that not less than 800 persons were killed by the Indians, and a large amount of property was destroyed. How this outbreak was induced is not definitely known, and suspicions, which may be unjust, need not to be stated. Information was received by the Indian bureau, from different sources, about the time hostilities were commenced, that a simultaneous attack was to be made upon the white settlements by all the tribes between the Mississippi River and the Rocky Mountains. The State of Minnesota has suffered great injury from this Indian war. A large portion of her territory has been depopulated, and a severe loss has been sustained by the destruction of property. The people of that State manifest much anxiety for the removal of the tribes beyond the limits of the State as a guarantee against future hostilities. The Commissioner of Indian Affairs will furnish full details. I submit for your especial consideration whether our Indian system shall not be remodelled. Many wise and good men have impressed me with the belief that this can be profitably done.

I submit a statement of the proceedings of Commissioners, which shows the progress that has been made in the enterprise of constructing the Pacific railroad. And this suggests the earliest completion of this road, and also the favourable action of Congress upon the projects now pending before them for enlarging the capacities of the great canals in New York and Illinois, as being of vital, and rapidly increasing importance to the whole nation, and especially to the vast interior region hereinafter to be noticed at some greater length. I purpose having prepared and laid before you at an early day some interesting and valuable statistical information upon this subject. The military and commercial importance of enlarging the Illinois and Michigan canal, and improving the Illinois river, is presented in the report of Colonel Webster to the Secretary of War, and now transmitted to Congress. I respectfully ask attention to it.

To carry out the provisions of the Act of Congress of the 15th of May last, I have caused the Department of Agriculture of The United States to be organized.

The Commissioner informs me that within the period of a few months this department has established an extensive system of correspondence and exchanges, both at home and abroad, which promises to effect highly beneficial results in the development of a correct knowledge of recent improvements in agriculture, in the



introduction of new products, and in the collection of the agricultural statistics of the different States.

Also, that it will soon be prepared to distribute largely seeds, cereals, plants and cuttings, and has already published, and liberally diffused, much valuable information in anticipation of a more elaborate report, which will in due time be furnished, embracing some valuable tests in chemical science now in progress in the laboratory.

The creation of this department was for the more immediate benefit of a large class of our most valuable citizens; and I trust that the liberal basis upon which it has been organized will not only meet your approbation, but that it will realize, at no distant day, all the fondest anticipations of its most sanguine friends, and become the fruitful source of advantage to all our people.

On the 22nd day of September last a proclamation was issued by the Executive, a copy of which is herewith submitted.

In accordance with the purpose expressed in the second paragraph of that paper, I now respectively recall your attention to what may be called "compensated emancipation."

A nation may be said to consist of its territory, its people and its laws. The territory is the only part which is of certain durability. "One generation passeth away, and another generation cometh, but the earth abideth for ever." It is of the first importance to duly consider, and estimate, this ever-enduring part. That portion of the earth's surface which is owned and inhabited by the people of The United States, is well adapted to be the home of one national family; and it is not well adapted for two, or more. Its vast extent, and its variety of climate and productions, are of advantage, in this age, for one people, whatever they might have been in former ages. Steam, telegraphs, and intelligence, have brought these, to be an advantageous combination, for one united people.

In the inaugural address I briefly pointed out the total inadequacy of disunion, as a remedy for the differences between the people of the two sections. I did so in language which I cannot improve, and which, therefore, I beg to repeat:

"One section of our country believes slavery is right, and ought to be extended, while the other believes it is wrong, and ought not to be extended. This is the only substantial dispute. The fugitive slave clause of the Constitution, and the law for the suppression of the foreign slave trade, are each as well enforced, perhaps, as any law can ever be in a community where the moral sense of the people imperfectly supports the law itself. The great body of the people abide by the dry legal obligation in both cases, and a few break over in each. This, I think, cannot be perfectly cured; and



it would be worse in both cases after the separation of the sections than before. The foreign slave trade, now imperfectly suppressed, would be ultimately revived without restriction in one section; while fugitive slaves, now only partially surrendered, would not be surrendered at all by the other.

“Physically speaking, we cannot separate. We cannot remove our respective sections from each other, nor build an impassable wall between them. A husband and wife may be divorced, and go out of the presence, and beyond the reach of each other; but the different parts of our country cannot do this. They cannot but remain face to face; and intercourse, either amicable or hostile, must continue between them. Is it possible, then, to make that intercourse more advantageous, or more satisfactory, after separation than before? Can aliens make Treaties, easier than friends can make laws? Can Treaties be more faithfully enforced between aliens, than laws can among friends? Suppose you go to war, you cannot fight always; and when, after much loss on both sides, and no gain on either, you cease fighting, the identical old questions, as to terms of intercourse, are again upon you.”

There is no line, straight or crooked, suitable for a national boundary, upon which to divide. Trace through, from east to west, upon the line between the free and slave country, and we shall find a little more than one-third of its length are rivers, easy to be crossed, and populated, or soon to be populated, thickly upon both sides; while nearly all its remaining length, are merely surveyors' lines, over which people may walk back and forth without any consciousness of their presence. No part of this line can be made any more difficult to pass, by writing it down on paper, or parchment, as a national boundary. The fact of separation, if it comes, gives up, on the part of the seceding section, the fugitive slave clause, along with all other constitutional obligations upon the section seceded from, while I should expect no Treaty stipulation would ever be made to take its place.

But there is another difficulty. The great interior region, bounded east by the Alleghanies, north by the British dominions, west by the Rocky Mountains, and south by the line along which the culture of corn and cotton meets, and which includes part of Virginia, part of Tennessee, all of Kentucky, Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Kansas, Iowa, Minnesota, and the territories of Dakota, Nebraska, and part of Colorado, already has above 10,000,000 of people, and will have 50,000,000 within 50 years, if not prevented by any political folly or mistake. It contains more than one-third of the country owned by The United States—certainly more than 1,000,000 of square miles. Once half as populous as Massachusetts already is, it would have

more than 75,000,000 of people. A glance at the map shows that, territorially speaking, it is the great body of the Republic. The other parts are but marginal borders to it, the magnificent region sloping west from the Rocky Mountains to the Pacific, being the deepest, and also the richest, in undeveloped resources. In the production of provisions, grains, grasses, and all which proceed from them, this great interior region is naturally one of the most important in the world. Ascertain from the statistics the small proportion of the region which has, as yet, been brought into cultivation, and also the large and rapidly increasing amount of its products, and we shall be overwhelmed with the magnitude of the prospect presented. And yet this region has no sea-coast, touches no ocean anywhere. As part of one nation, its people now find, and may for ever find, their way to Europe by New York, to South America and Africa by New Orleans, and to Asia by San Francisco. But separate our common country into two nations, as designed by the present rebellion, and every man of this great interior region is thereby cut off from some one or more of these outlets, not, perhaps, by a physical barrier, but by embarrassing and onerous trade regulations.

And this is true, wherever a dividing, or boundary line, may be fixed. Place it between the now free and slave country, or place it south of Kentucky, or north of Ohio, and still the truth remains, that none south of it, can trade to any port or place north of it, and none north of it, can trade to any port or place south of it, except upon terms dictated by a Government foreign to them. These outlets, east, west, and south, are indispensable to the well-being of the people inhabiting, and to inhabit, this vast interior region. Which of the three may be the best, is no proper question. All, are better than either; and all, of right, belong to that people, and to their successors for ever. True to themselves, they will not ask where a line of separation shall be, but will vow, rather, that there shall be no such line. Nor are the marginal regions less interested in these communications to, and through them, to the great outside world. They too, and each of them, must have access to this Egypt of the West, without paying toll at the crossing of any national boundary.

Our national strife springs not from our permanent part; not from the land we inhabit; not from our national homestead. There is no possible severing of this, but would multiply, and not mitigate, evils among us. In all its adaptations and aptitudes, it demands union, and abhors separation. In fact, it would, ere long, force reunion, however much of blood and treasure the separation might have cost.

Our strife pertains to ourselves—to the passing generations of men; and it can, without convulsion, be hushed for ever with the passing of one generation.

In this view, I recommend the adoption of the following Resolution and Articles amendatory to the Constitution of The United States :

“ Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of both houses concurring), That the following Articles be proposed to the Legislatures (or Conventions) of the several States as amendments to the Constitution of The United States, all or any of which Articles when ratified by three-fourths of the said Legislatures (or Conventions) to be valid as part or parts of the said Constitution, viz.:

ART. —. “ Every State, wherein slavery now exists, which shall abolish the same therein, at any time, or times, before the 1st day of January, in the year of our Lord 1900, shall receive compensation from The United States as follows, to wit:

“ The President of The United States shall deliver to every such State, bonds of The United States, bearing interest at the rate of per cent. per annum, to an amount equal to the aggregate sum of for each slave shown to have been therein, by the 8th Census of The United States, said bonds to be delivered to such State by instalments, or in one parcel, at the completion of the abolishment, accordingly as the same shall have been gradual, or at one time, within such State; and interest shall begin to run upon any such bond, only from the proper time of its delivery as aforesaid. Any State having received bonds as aforesaid, and afterwards reintroducing or tolerating slavery therein, shall refund to The United States the bonds so received, or the value thereof, and all interest paid thereon.

“ ART. —. All slaves who shall have enjoyed actual freedom by the chances of the war, at any time before the end of the rebellion, shall be for ever free; but all owners of such, who shall not have been disloyal, shall be compensated for them, at the same rates as is provided for States adopting abolishment of slavery, but in such way, that no slave shall be twice accounted for.

“ ART. —. Congress may appropriate money and otherwise provide for colonizing free coloured persons, with their own consent, at any place or places without The United States.”

I beg indulgence to discuss these proposed Articles at some length. Without slavery the rebellion could never have existed; without slavery it could not continue.

Among the friends of the Union there is great diversity of sentiment and of policy in regard to slavery, and the African race amongst us. Some would perpetuate slavery; some would abolish it suddenly, and without compensation; some would abolish it gradually, and with compensation; some would remove the freed

people from us, and some would retain them with us; and there are yet other minor diversities. Because of these diversities, we waste much strength in struggles among ourselves. By mutual concession we should harmonize, and act together. This would be compromise; but it would be compromise among the friends, and not with the enemies of the Union. These Articles are intended to embody a plan of such mutual concessions. If the plan shall be adopted, it is assumed that emancipation will follow, at least, in several of the States.

As to the first Article, the main points are: 1st, the emancipation; 2ndly, the length of time for consummating it—37 years; and 3rdly, the compensation.

The emancipation will be unsatisfactory to the advocates of perpetual slavery; but the length of time should greatly mitigate their dissatisfaction. The time spares both races from the evils of sudden derangement—in fact, from the necessity of any derangement—while most of those whose habitual course of thought will be disturbed by the measure will have passed away before its consummation. They will never see it. Another class will hail the prospect of emancipation, but will deprecate the length of time. They will feel that it gives too little to the now living slaves. But it really gives them much. It saves them from the vagrant destitution which must largely attend immediate emancipation in localities where their numbers are very great; and it gives the inspiring assurance that their posterity shall be free for ever. The plan leaves to each State, choosing to act under it, to abolish slavery now, or at the end of the century, or at any intermediate time, or by degrees, extending over the whole or any part of the period; and it obliges no two States to proceed alike. It also provides for compensation, and generally the mode of making it. This, it would seem, must further mitigate the dissatisfaction of those who favour perpetual slavery, and especially of those who are to receive the compensation. Doubtless some of those who are to pay, and not to receive, will object. Yet the measure is both just and economical. In a certain sense, the liberation of slaves is the destruction of property—property acquired by descent, or by purchase, the same as any other property. It is no less true for having been often said, that the people of the south are not more responsible for the original introduction of this property than are the people of the north; and when it is remembered how unhesitatingly we all use cotton and sugar, and share the profits of dealing in them, it may not be quite safe to say, that the south has been more responsible than the north for its continuance. If, then, for a common object, this property is to be sacrificed, is it not just that it be done at a common charge?

And if, with less money, or money more easily paid, we can pre-

serve the benefits of the Union by this means, than we can by the war alone, is it not also economical to do it? Let us consider it then. Let us ascertain the sum we have expended in the war since compensated emancipation was proposed last March, and consider whether, if that measure had been promptly accepted, by even some of the slave States, the same sum would not have done more to close the war than has been otherwise done. If so, the measure would save money, and in that view would be a prudent and economical measure. Certainly it is not so easy to pay something as it is to pay nothing; but it is easier to pay a large sum than it is to pay a larger one. And it is easier to pay any sum when we are able, than it is to pay it before we are able. The war requires large sums, and requires them at once. The aggregate sum necessary for compensated emancipation, of course, would be large. But it would require no ready cash; nor the bonds even any faster than the emancipation progresses. This might not, and probably would not, close before the end of the 37 years. At that time we shall probably have 100,000,000 of people to share the burden, instead of 31,000,000, as now. And not only so, but the increase of our population may be expected to continue for a long time after that period, as rapidly as before; because our territory will not have become full. I do not state this inconsiderately. At the same ratio of increase which we have maintained, on an average, from our first national census, in 1790, until that of 1860, we should, in 1900, have a population of 103,208,415. And why may we not continue that ratio far beyond that period? Our abundant room—our broad national homestead—is our ample resource. Were our territory as limited as are the British Isles, very certainly our population could not expand as stated. Instead of receiving the foreign born, as now, we should be compelled to send part of the native born away. But such is not our condition. We have 2,963,000 square miles. Europe has 3,800,000, with a population averaging 73 and one-third persons to the square mile. Why may not our country, at some time, average as many? Is it less fertile? Has it more waste surface, by mountains, rivers, lakes, deserts, or other causes? Is it inferior to Europe in any natural advantage? If, then, we are, at some time, to be as populous as Europe, how soon? As to when this may be, we can judge by the past and the present; as to when it will be, if ever, depends much on whether we maintain the Union. Several of our States are already above the average of Europe—73 and a third to the square mile. Massachusetts has 157; Rhode Island, 133; Connecticut, 99; New York and New Jersey, each 80. Also two other great States, Pennsylvania and Ohio, are not far below, the former having 63 and the latter 59. The States already above the European average, except New York, have increased in

as rapid a ratio, since passing that point, as ever before; while no one of them is equal to some other parts of our country, in natural capacity for sustaining a dense population.

Taking the nation in the aggregate, and we find its population and ratio of increase, for the several decennial periods, to be as follows:

1790	..	..	..	3,929,827			
1800	..	..	..	5,305,937	35.02	per cent.	ratio of increase.
1810	..	..	..	7,239,814	36.45	"	"
1820	..	..	..	9,638,131	33.13	"	"
1830	..	..	..	12,866,020	33.49	"	"
1840	..	..	..	17,069,453	32.67	"	"
1850	..	..	..	23,191,876	35.87	"	"
1860	..	..	..	31,443,790	35.58	"	"

This shows an average decennial increase of 34.60 per cent. in population through the 70 years from our first, to our last census yet taken. It is seen that the ratio of increase, at no one of these 7 periods, is either two per cent. below, or two per cent. above, the average; thus showing how inflexible, and, consequently, how reliable, the law of increase, in our case, is. Assuming that it will continue, gives the following results:

1870..	..	..	..	..	..	42,323,841
1880..	..	..	..	..	..	56,967,216
1890..	..	..	..	..	..	76,677,872
1900..	..	..	..	..	..	103,208,415
1910..	..	..	..	..	..	138,918,526
1920..	..	..	..	..	..	186,984,335
1930..	..	..	..	..	..	251,680,914

These figures show that our country may be as populous as Europe now is, at some point between 1,920 and 1,930—say about 1,925—our territory, at 73 and a third persons to the square mile, being of capacity to contain 217,186,000.

And we will reach this, too, if we do not ourselves relinquish the chance, by the folly and evils of disunion, or by long and exhausting war springing from the only great element of national discord among us. While it cannot be foreseen exactly how much one huge example of secession, breeding lesser ones indefinitely, would retard population, civilization, and prosperity, no one can doubt that the extent of it would be very great and injurious.

The proposed emancipation would shorten the war, perpetuate peace, insure this increase of population, and proportionately the wealth of the country. With these, we should pay all the emancipation would cost, together with our other debt, easier than we should pay our other debt, without it. If we had allowed our old national debt to run at 6 per cent. per annum, simple interest, from

the end of our revolutionary struggle until to-day, without paying anything on either principal or interest, each man of us would owe less upon that debt now, than each man owed upon it then; and this because our increase of men, through the whole period, has been greater than 6 per cent.; has run faster than the interest upon the debt. Thus, time alone, relieves a debtor nation, so long as its population increases faster than unpaid interest accumulates on its debt.

This fact would be no excuse for delaying payment of what is justly due; but it shows the great importance of time in this connection—the great advantage of a policy by which we shall not have to pay until we number 100,000,000, what, by a different policy, we would have to pay now, when we number but 81,000,000. In a word, it shows that a dollar will be much harder to pay for the war, than will be a dollar for emancipation on the proposed plan. And then the latter will cost no blood, no precious life. It will be a saving of both.

As to the second Article, I think it would be impracticable to return to bondage the class of persons therein contemplated. Some of them, doubtless, in the property sense, belong to loyal owners; and hence, provision is made in this Article for compensating such.

The third Article relates to the future of the freed people. It does not oblige, but merely authorizes, Congress to aid in colonizing such as may consent. This ought not to be regarded as objectionable, on the one hand, or on the other, in so much as it comes to nothing, unless by the mutual consent of the people to be deported, and the American voters, through their representatives in Congress.

I cannot make it better known than it already is, that I strongly favour colonization. And yet I wish to say there is an objection urged against free coloured persons remaining in the country, which is largely imaginary, if not sometimes malicious.

It is insisted that their presence would injure, and displace white labour and white labourers. If there ever could be a proper time for mere catch arguments, that time surely is not now. In times like the present, men should utter nothing for which they would not willingly be responsible through time and in eternity. Is it true, then, that coloured people can displace any more white labour, by being free, than by remaining slaves? If they stay in their old places, they jostle no white labourers; if they leave their old places, they leave them open to white labourers. Logically, there is neither more or less of it. Emancipation, even without deportation, would probably enhance the wages of white labour, and, very surely, would not reduce them. Thus, the customary amount of labour would still



have to be performed ; the freed people would surely not do more than their old proportion of it, and very probably, for a time, would do less, leaving an increased part to white labourers, bringing their labour into greater demand, and, consequently, enhancing the wages of it. With deportation, even to a limited extent, enhanced wages to white labour is mathematically certain. Labour is like any other commodity in the market—increase the demand for it, and you increase the price of it. Reduce the supply of black labour, by colonizing the black labourer out of the country, and, by precisely so much, you increase the demand for, and wages of, white labour.

But it is dreaded that the freed people will swarm forth, and cover the whole land ? Are they not already in the land ? Will liberation make them any more numerous ? Equally distributed among the whites of the whole country, and there would be but one coloured to seven whites. Could the one, in any way, greatly disturb the seven ? There are many communities now, having more than one free coloured person, to seven whites : and this, without any apparent consciousness of evil from it. The District of Columbia, and the States of Maryland and Delaware, are all in this condition. The District has more than one free coloured to six whites ; and yet, in its frequent petitions to Congress, I believe it has never presented the presence of free coloured persons as one of its grievances. But why should emancipation south, send the freed people north ? People, of any colour, seldom run, unless there be something to run from. Heretofore coloured people, to some extent, have fled north from bondage ; and now, perhaps, from both bondage and destitution. But if gradual emancipation and deportation be adopted, they will have neither to flee from. Their old masters will give them wages at least until new labourers can be procured ; and the freed men, in turn, will gladly give their labour for the wages, till new homes can be found for them, in congenial climes, and with people of their own blood and race. This proposition can be trusted on the mutual interests involved. And, in any event, cannot the north decide for itself, whether to receive them ?

Again, as the practice proves more than theory, in any case, has there been any irruption of coloured people northward, because of the abolishment of slavery in this District last spring ?

What I have said of the proportion of free coloured persons to the whites, in the District, is from the census of 1860, having no reference to persons called contrabands, nor to those made free by the Act of Congress abolishing slavery here.

The plan consisting of these articles is recommended, not but that a restoration of the national authority would be accepted without its adoption.

Nor will the war, nor proceedings under the proclamation of

September 22, 1862, be stayed because of the recommendation of this plan. Its timely adoption, I doubt not, would bring restoration, and thereby stay both.

And, notwithstanding this plan, the recommendation that Congress provide by law for compensating any State which may adopt emancipation, before this plan shall have been acted upon, is hereby earnestly renewed. Such would be only an advance part of the plan, and the same arguments apply to both.

This plan is recommended as a means, not in exclusion of, but additional to, all others for restoring and preserving the national authority throughout the Union. The subject is presented exclusively in its economical aspect. The plan would, I am confident, secure peace more speedily, and maintain it more permanently, than can be done by force alone; while all it would cost, considering amounts and manner of payment, and times of payment, would be easier paid than will be the additional cost of the war, if we rely solely upon force. It is much—very much—that it would cost no blood at all.

The plan is proposed as permanent constitutional law. It cannot become such without the concurrence of, first, two-thirds of Congress, and, afterwards, three-fourths of the States. The requisite three-fourths of the States will necessarily include 7 of the slave States. Their concurrence, if obtained, will give assurance of their severally adopting emancipation, at no very distant day, upon the new constitutional terms. This assurance would end the struggle now, and save the Union for ever.

I do not forget the gravity which should characterize a paper addressed to the Congress of the nation, by the Chief Magistrate of the nation. Nor do I forget that some of you are my seniors; nor that many of you have more experience than I, in the conduct of public affairs. Yet I trust that in view of the great responsibility resting upon me, you will perceive no want of respect to yourselves, in any undue earnestness I may seem to display.

Is it doubted, then, that the plan I propose, if adopted, would shorten the war, and thus lessen its expenditure of money and of blood? Is it doubted that it would restore the national authority and national prosperity, and perpetuate both indefinitely? Is it doubted that we here—Congress and Executive—can secure its adoption? Will not the good people respond to a united, and earnest appeal from us? Can we, can they, by any other means, so certainly, or so speedily, assure these vital objects? We can succeed only by concert. It is not “can any of us imagine better?” but “can we all do better?” Object whatsoever is possible, still the question recurs “can we do better?” The dogmas of the quiet past, are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new,

so we must think anew, and act anew. We must disenthrall ourselves, and then we shall save our country.

Fellow-citizens, we cannot escape history. We, of this Congress and this administration, will be remembered in spite of ourselves. No personal significance, or insignificance, can spare one or another of us. The fiery trial through which we pass, will light us down, in honour or dishonour, to the latest generation. We say we are for the Union. The world will not forget that we say this. We know how to save the Union. The world knows we do know how to save it. We—even we here—hold the power, and bear the responsibility. In giving freedom to the slave, we assure freedom to the free—honourable alike in what we give, and what we preserve. We shall nobly save, or meanly lose, the last best hope of earth. Other means may succeed; this could not fail. The way is plain, peaceful, generous, just—a way which, if followed, the world will for ever applaud, and God must for ever bless.

ABRAHAM LINCOLN.

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***TREATY of Commerce and Navigation, between The United States and Liberia.—Signed at London, October 21, 1862.***

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[Ratifications exchanged at London, February 10, 1863.]

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THE United States of America and the Republic of Liberia, desiring to fix in a permanent and equitable manner the rules to be observed in the intercourse and commerce they desire to establish between their respective countries, have agreed for this purpose to conclude a Treaty of Commerce and Navigation, and have judged that the said end cannot be better obtained than by taking the most perfect equality and reciprocity for the basis of their agreement; and to effect this they have named as their respective Plenipotentiaries, that is to say: the President of the United States of America, Charles Francis Adams, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at the Court of St. James; and the Republic of Liberia, his Excellency Stephen Allen Benson, President thereof, who after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:

ART. I. There shall be perpetual peace and friendship between the United States of America and the Republic of Liberia, and also between the citizens of both countries.

II. There shall be reciprocal freedom of commerce between the United States of America and the Republic of Liberia. The citizens

of the United States of America may reside in and trade to any part of the territories of the Republic of Liberia to which any other foreigners are or shall be admitted. They shall enjoy full protection for their persons and properties; they shall be allowed to buy from and to sell to whom they like, without being restrained or prejudiced by any monopoly, contract, or exclusive privilege of sale or purchase whatever; and they shall, moreover, enjoy all other rights and privileges which are or may be granted to any other foreigners, subjects, or citizens of the most favoured nation. The citizens of the Republic of Liberia shall, in return, enjoy similar protection and privileges in the United States of America, and in their territories.

III. No tonnage, import, or other duties or charges shall be levied in the Republic of Liberia on United States' vessels, or on goods imported or exported in United States' vessels, beyond what are or may be levied on national vessels, or on the like goods imported or exported in national vessels; and, in like manner, no tonnage, import, or other duties or charges shall be levied in the United States of America and their territories on the vessels of the Republic of Liberia, or on goods imported or exported in those vessels, beyond what are or may be levied on national vessels, or on the like goods imported or exported in national vessels.

IV. Merchandize or goods coming from the United States of America in any vessels, or imported in United States' vessels from any country, shall not be prohibited by the Republic of Liberia, nor be subject to higher duties than are levied on the same kinds of merchandize or goods coming from any other foreign country or imported in any other foreign vessels. All articles, the produce of the Republic of Liberia, may be exported therefrom by citizens of The United States and United States' vessels, on as favourable terms as by the citizens and vessels of any other foreign country.

In like manner, all merchandize or goods coming from the Republic of Liberia in any vessels, or imported in Liberian vessels from any country, shall not be prohibited by the United States of America, nor be subject to higher duties than are levied on the same kinds of merchandize or goods coming from any other foreign country or imported in any other foreign vessels. All articles, the produce of The United States, or of their territories, may be imported therefrom by Liberian citizens and Liberian vessels on as favourable terms as by the citizens and vessels of any other foreign country.

V. When any vessel of either of the Contracting Parties shall be wrecked, foundered, or otherwise damaged on the coasts, or within the territories of the other, the respective citizens shall receive the greatest possible aid, as well for themselves as for their

so we must think anew, and act anew. We must disenthrall ourselves, and then we shall save our country.

Fellow-citizens, we cannot escape history. We, of this Congress and this administration, will be remembered in spite of ourselves. No personal significance, or insignificance, can spare one or another of us. The fiery trial through which we pass, will light us down, in honour or dishonour, to the latest generation. We say we are for the Union. The world will not forget that we say this. We know how to save the Union. The world knows we do know how to save it. We—even we here—hold the power, and bear the responsibility. In giving freedom to the slave, we assure freedom to the free—honourable alike in what we give, and what we preserve. We shall nobly save, or meanly lose, the last best hope of earth. Other means may succeed; this could not fail. The way is plain, peaceful, generous, just—a way which, if followed, the world will for ever applaud, and God must for ever bless.

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II. There shall be reciprocal freedom of commerce between the United States of America and the Republic of Liberia. The citizens

of the United States of America may reside in and trade to any part of the territories of the Republic of Liberia to which any other foreigners are or shall be admitted. They shall enjoy full protection for their persons and properties; they shall be allowed to buy from and to sell to whom they like, without being restrained or prejudiced by any monopoly, contract, or exclusive privilege of sale or purchase whatever; and they shall, moreover, enjoy all other rights and privileges which are or may be granted to any other foreigners, subjects, or citizens of the most favoured nation. The citizens of the Republic of Liberia shall, in return, enjoy similar protection and privileges in the United States of America, and in their territories.

III. No tonnage, import, or other duties or charges shall be levied in the Republic of Liberia on United States' vessels, or on goods imported or exported in United States' vessels, beyond what are or may be levied on national vessels, or on the like goods imported or exported in national vessels; and, in like manner, no tonnage, import, or other duties or charges shall be levied in the United States of America and their territories on the vessels of the Republic of Liberia, or on goods imported or exported in those vessels, beyond what are or may be levied on national vessels, or on the like goods imported or exported in national vessels.

IV. Merchandize or goods coming from the United States of America in any vessels, or imported in United States' vessels from any country, shall not be prohibited by the Republic of Liberia, nor be subject to higher duties than are levied on the same kinds of merchandize or goods coming from any other foreign country or imported in any other foreign vessels. All articles, the produce of the Republic of Liberia, may be exported therefrom by citizens of The United States and United States' vessels, on as favourable terms as by the citizens and vessels of any other foreign country.

In like manner, all merchandize or goods coming from the Republic of Liberia in any vessels, or imported in Liberian vessels from any country, shall not be prohibited by the United States of America, nor be subject to higher duties than are levied on the same kinds of merchandize or goods coming from any other foreign country or imported in any other foreign vessels. All articles, the produce of The United States, or of their territories, may be imported therefrom by Liberian citizens and Liberian vessels on as favourable terms as by the citizens and vessels of any other foreign country.

V. When any vessel of either of the Contracting Parties shall be wrecked, foundered, or otherwise damaged on the coasts, or within the territories of the other, the respective citizens shall receive the greatest possible aid, as well for themselves as for their

vessels and effects. All possible aid shall be given to protect their property from being plundered and their persons from ill-treatment. Should a dispute arise as to the salvage, it shall be settled by arbitration, to be chosen by the parties respectively.

VI. It being the intention of the two Contracting Parties to bind themselves by the present Treaty to treat each other on the footing of the most favoured nation, it is hereby agreed between them that any favour, privilege, or immunity whatever in matters of commerce and navigation, which either Contracting Party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended to the citizens of the other Contracting Party, gratuitously, if the concession in favour of that other State shall have been gratuitous, or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

VII. Each Contracting Party may appoint Consuls for the protection of trade, to reside in the dominions of the other; but no such Consul shall enter upon the exercise of his functions until he shall have been approved and admitted, in the usual form, by the Government of the country to which he is sent.

VIII. The United States' Government engages never to interfere, unless solicited by the Government of Liberia, in the affairs between the aboriginal inhabitants and the Government of the Republic of Liberia, in the jurisdiction and territories of the Republic. Should any United States' citizens suffer loss, in person or property, from violence by the aboriginal inhabitants, and the Government of the Republic of Liberia should not be able to bring the aggressor to justice, The United States' Government engages, a requisition having been first made therefor by the Liberian Government, to lend such aid as may be required. Citizens of The United States residing in the territories of the Republic of Liberia are desired to abstain from all such intercourse with the aboriginal inhabitants as will tend to the violation of law and a disturbance of the peace of the country.

IX. The present Treaty shall be ratified, and the ratifications exchanged at London, within the space of 9 months from the date hereof.

In testimony whereof, the Plenipotentiaries before mentioned have hereto subscribed their names and affixed their seals.

Done at London, the 21st day of October, in the year 1862.

(L.S.) CHARLES FRANCIS ADAMS.

(L.S.) STEPHEN ALLEN BENSON.

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***TREATY of Commerce and Navigation, between The United States and Turkey.—Signed at Constantinople, February 25, 1862.***

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[Ratifications exchanged at Constantinople, June 5, 1862.]

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THE United States of America on the one part, and His Imperial Majesty the Sultan of the Ottoman Empire on the other part, being equally animated by the desire of extending the commercial relations between their respective countries, have agreed, for this purpose, to conclude a Treaty of Commerce and Navigation, and have named as their respective Plenipotentiaries, that is to say: The President of the United States of America, Edward Joy Morris, Minister resident at the Sublime Porte; and His Imperial Majesty the Sultan of the Ottoman Empire, his Highness Mehemed Emin Aali Pacha, Minister of Foreign Affairs, decorated with the Imperial Orders of the Ottomanich in Brilliants, Majidich, and Order of Merit of the First Class, and the Grand Crosses of several foreign orders; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:

ART. I. All rights, privileges, and immunities, which have been conferred on the citizens or vessels of the United States of America by the Treaty already existing between the United States of America and the Ottoman Empire, are confirmed, now and for ever, with the exception of those clauses of the said Treaty which it is the object of the present Treaty to modify; and it is, moreover, expressly stipulated that all rights, privileges, or immunities, which the Sublime Porte now grants, or may hereafter grant to, or suffer to be enjoyed by the subjects, ships, commerce, or navigation of any other foreign power, shall be equally granted to and exercised and enjoyed by the citizens, vessels, commerce, and navigation of the United States of America.

II. The citizens of The United States of America, or their agents, shall be permitted to purchase, at all places in the Ottoman Empire and its possessions (whether for the purposes of internal trade or of exportation), all articles, without any exception whatsoever, the produce or manufacture of the said Empire and possessions; and the Sublime Porte having, in virtue of the second Article of the Convention of Commerce, of the 16th of August, 1838,\* with Great Britain, formally engaged to abolish all monopolies of agricultural produce, or of every other articles whatsoever, as well as all "permits" (tezkerehs) from the Local Governors, either for the purchase of any Article, or for its removal from one place

\* Vol. XXVI. Page 688.

to another when purchased, any attempt to compel the citizens of the United States of America to receive such "permits" from the Local Governors shall be considered as an infraction of this Treaty, and the Sublime Porte shall immediately punish with severity any viziers, or other officers, who shall have been guilty of such misconduct, and shall render full justice to citizens of the United States of America for all losses or injuries which they may duly prove themselves to have suffered thereby.

III. If any articles of Ottoman produce or manufacture be purchased by citizens of the United States of America, or their agents, for the purpose of selling the same for internal consumption in Turkey, the said citizens, or their agents, shall pay at the purchase and sale of such articles, and in any manner of trade therein, the same duties that are paid in similar circumstances by the most favoured class of Ottoman subjects, or of foreigners in the internal trade of the Ottoman Empire.

IV. No other or higher duties or charges shall be imposed in the dominions and possessions of either of the Contracting Parties, on the exportation of any article to the dominions and possessions of the other, than such as are or may be payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two Contracting Powers to the dominions and possessions of the other, which shall not equally extend to the exportation of the like article to any other country.

No charge or duty whatsoever will be demanded on any article of Ottoman produce or manufacture purchased by citizens of the United States of America, or their agents, either at the place where such article is purchased or in its transit from that place to the place whence it is exported, at which it will be subject to an export duty not exceeding 8 per cent., calculated on the value at the place of shipment, and payable on exportation; and all articles which shall once have paid this duty shall not again be liable to the same duty, however they may have changed hands within any part of the Ottoman Empire.

It is furthermore agreed, that the duty of 8 per cent. above mentioned will be annually reduced by one per cent. until it shall be, in this manner, finally reduced to a fixed duty of one per cent. *ad valorem*, destined to cover the general expenses of administration and control.

V. No other or higher duties shall be imposed on the importation into the United States of America of any article the produce or manufacture of the dominions and possessions of His Imperial Majesty the Sultan, from whatever place arriving, whether by sea or by land; and no other or higher duties shall be imposed on the importation into the dominions and possessions of His Imperial

**Majesty**, of any article the produce or manufacture of the United States of America, from whatever place arriving, than are or may be payable on the like article the produce or manufacture of any other foreign country; nor shall any prohibition be maintained or imposed on the importation of any article, the produce or manufacture of the dominions and possessions of either of the Contracting Parties, into the dominions and possessions of the other, which shall not equally extend to the importation of the like articles, being the produce or manufacture of any other country.

His Imperial Majesty further engages that, save as hereinafter excepted, he will not prohibit the importation into his dominions and possessions of any article the produce and manufacture of the United States of America, from whatever place arriving; and that the duties to be imposed on every article the produce or manufacture of the United States of America imported into the Empire and possessions of His Imperial Majesty the Sultan, shall in no case exceed one fixed rate of 8 per cent. *ad valorem*, or a specific duty, fixed by common consent, equivalent thereto. Such rate shall be calculated upon the value of such articles at the wharf, and shall be payable at the time of their being landed, if brought by sea, or at the first Custom-House they may reach, if brought by land.

If these articles, after having paid the import duty of 8 per cent., are sold either at the place of their arrival or in the interior of the country, neither the buyer nor the seller shall be charged with any further duty in respect to them; and if such articles should not be sold for consumption in the Ottoman Empire, but should be re-exported within the space of 6 months, the same shall be considered as merchandize in transit by land, and be treated as is stated hereinafter in Article XII of this Treaty; the administration of the Customs being bound to restore, at the time of their re-exportation, to the merchant, who shall be required to furnish proof that the goods in question have paid the import duty of 8 per cent., the difference between that duty and the duty levied on goods in transit by land, as set forth in the Article above cited.

VI. It is understood that any article the produce or manufacture of a foreign country intended for importation into the United Principalities of Moldo-Wallachia, or into the Principality of Servia, which shall pass through any other part of the Ottoman Empire, will not be liable to the payment of Customs duty until it reaches those Principalities; and, on the other hand, that any article of foreign produce or manufacture passing through those Principalities, but destined for some other part of the Ottoman Empire, will not be liable to the payment of Customs duty until such article reaches the first Custom-House under the direct administration of the Sublime Porte.

The same course shall be followed with respect to any article the produce or manufacture of those Principalities, as well as with respect to any article the produce or manufacture of any other portion of the Ottoman Empire, intended for exportation; such articles will be liable to the payment of Customs duties—the former to the Custom-House of the aforesaid Principalities, and the latter to the Ottoman Custom-House; the object being that neither import or export duties shall in any case be payable more than once.

VII. The subjects and citizens of the Contracting Parties shall enjoy, in the dominions and possessions of the other, equality of treatment with native subjects or citizens in regard to warehousing, and also in regard to bounties, facilities, and drawbacks.

VIII. All articles which are, or may be, legally importable into the United States of America, in vessels of The United States, may likewise be imported in Ottoman vessels without being liable to any other or higher duties or charges, of whatever denomination, than if such articles were imported in vessels of The United States; and, reciprocally, all articles which are or may be legally importable into the dominions and possessions of His Imperial Majesty the Sultan in Ottoman vessels, may likewise be imported in vessels of The United States without being liable to any other or higher duties or charges, of whatever denomination, than if such articles were imported in Ottoman vessels. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other country. In the same manner there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid, and the same bounties and drawbacks allowed in the dominions and possessions of either of the Contracting Parties on the exportation of any article which is, or may be, legally exportable therefrom, whether such exportation shall take place in Ottoman or in vessels of The United States, and whatever may be the place of destination, whether a port of either of the Contracting Parties, or of any third Power.

IX. No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever nature, or under whatever denomination, levied in the name or for the profit of Government, public functionaries, private individuals, corporations, or establishments of any kind, shall be imposed in the ports of the dominions and possessions of either country upon the vessels of the other country which shall not equally, and under the same conditions, be imposed in the like cases on national vessels in general.

Such equality of treatment shall apply reciprocally to the respec-

tive vessels, from whatever port or place they may arrive and whatever may be their place of destination.

X. All vessels, which, according to the laws of The United States, are to be deemed vessels of The United States, and all vessels which, according to Ottoman laws, are to be deemed Ottoman vessels, shall, for the purposes of this Treaty, be deemed vessels of The United States and Ottoman vessels, respectively.

XI. No charge whatsoever shall be made upon goods of The United States, being the produce or manufacture of the United States of America, whether in vessels of The United States, or other vessels, nor upon any goods the produce or manufacture of any other foreign country carried in vessels of The United States, when the same shall pass through the Straits of the Dardanelles, or of the Bosphorus, whether such goods shall pass through those straits in the vessels that brought them, or shall have been transhipped to other vessels; or whether, after having been sold for exportation, they shall, for a certain limited time, be landed in order to be placed in other vessels for the continuance of their voyage. In the latter case, the goods in question shall be deposited at Constantinople, in the magazines of the Custom-House, called transit magazines; and in any other places where there is no entrepôt, they shall be placed under the charge of the administration of the Customs.

XII. The Sublime Porte, desiring to grant, by means of gradual concessions, all facilities in its power to transit by land, it is stipulated and agreed that the duty of 3 per cent., levied up to this time on articles imported into the Ottoman Empire, in their passage through the Ottoman Empire to other countries, shall be reduced to 2 per cent. payable as the duty of 3 per cent. has been paid hitherto, on arriving in the Ottoman dominions; and at the end of 8 years, to be reckoned from the day of the exchange of the ratifications of the present Treaty, to a fixed and definite tax of 1 per cent, which shall be levied, as is to be the case with respect to Ottoman produce exported, to defray the expense of registration.

The Sublime Porte, at the same time, declares that it reserves to itself the right to establish, by a special enactment, the measures to be adopted for the prevention of fraud.

XIII. Citizens of the United States of America, or their agents, trading in goods the produce or manufacture of foreign countries, shall be subject to the same taxes, and enjoy the same rights, privileges, and immunities, as foreign subjects dealing in goods the produce or manufacture of their own country.

XIV. An exception to the stipulations laid down in Article V shall be made in regard to tobacco in any shape whatsoever, and also in regard to salt, which two articles shall cease to be included

among those which the citizens of the United States of America are permitted to import into the Ottoman dominions.

Citizens of The United States, however, or their agents, buying or selling tobacco or salt for consumption in the Ottoman Empire, shall be subject to the same regulations and shall pay the same duties as the most favoured Ottoman subjects trading in the two articles aforesaid; and furthermore, as a compensation for the prohibition of the two articles above-mentioned, no duty whatsoever shall in future be levied on those articles when exported from the Ottoman Empire by citizens of The United States.

Citizens of The United States shall, nevertheless, be bound to declare the quantity of tobacco and salt thus exported to the proper Custom-House authorities, who shall, as heretofore, have the right to watch over the export of these articles, without thereby being entitled to levy any tax thereon on any pretence whatsoever.

XV. It is understood between the two Contracting Parties that the Sublime Porte reserves to itself the faculty and right of issuing a general prohibition against the importation into the Ottoman Empire of gunpowder, cannon, arms of war, or military stores, but such prohibition will not come into operation until it shall have been officially notified, and will apply only to the articles mentioned in the decree enacting the prohibition. Any of these articles which have not been so specifically prohibited shall, on being imported into the Ottoman Empire, be subject to the local regulations, unless the Legation of the United States of America shall think fit to apply for a special licence, which will in that case be granted, provided no valid objection thereto can be alleged. Gunpowder, in particular, when allowed to be imported, will be liable to the following stipulations:

1. It shall not be sold by citizens of The United States in quantities exceeding the quantities prescribed by the local regulations.

2. When a cargo or a large quantity of gunpowder arrives in an Ottoman port, on board a vessel of The United States, such vessel shall be anchored at a particular spot, to be designated by the local authorities, and the gunpowder shall thence be conveyed, under the inspection of such authorities, to depôts, or fitting places designated by the Government, to which the parties interested shall have access under due regulations.

Fowling-pieces, pistols, and ornamental or fancy weapons, as also small quantities of gunpowder for sporting, reserved for private use, shall not be subject to the stipulations of the present Article.

XVI. The firmans required for merchant vessels of The United States of America, on passing through the Dardanelles and the



Bosphorus, shall always be delivered in such manner as to occasion to such vessels the least possible delay.

XVII. The captains of merchant vessels of The United States, laden with goods destined for the Ottoman Empire, shall be obliged, immediately on their arrival at the port of their destination to deposit in the Custom-House of said port a true copy of their manifest.

XVIII. Contraband goods will be liable to confiscation by the Ottoman Treasury; but a report, or proces verbal, of the alleged act of contraband, must, so soon as the said goods are seized by the authorities, be drawn up and communicated to the Consular authority of the citizen or subject to whom the goods said to be contraband shall belong; and no goods can be confiscated as contraband, unless the fraud with regard to them shall be duly and legally proved.

XIX. All merchandize, the produce or manufacture of the Ottoman dominions and possessions, imported into The United States of America, shall be treated in the same manner as the like merchandize, the produce and manufacture of the most favoured nation.

All rights, privileges, or immunities, which are now or may hereafter be granted to, or suffered to be enjoyed by the subjects, vessels, commerce, or navigation of any foreign power in The United States of America, shall be equally granted to, and exercised and enjoyed by the subjects, vessels, commerce, and navigation of the Sublime Porte.

XX. The present Treaty, when ratified, shall be substituted for the Commercial Convention of the 16th of August, 1838, between the Sublime Porte and Great Britain, on the footing of which the commerce of The United States of America has been heretofore placed, and shall continue in force for 28 years from the day of the exchange of the ratifications; and each of the two Contracting Parties being, however, at liberty to give to the other, at the end of 14 years (that time being fixed, as the provisions of this Treaty will then have come into full force), notice for its revision, or for its determination at the expiration of a year from the date of that notice, and so again at the end of 21 years.

The present Treaty shall receive its execution in all and every one of the provinces of the Ottoman Empire; that is to say, in all the possessions of His Imperial Majesty the Sultan, situated in Europe or in Asia, in Egypt, and in the other parts of Africa belonging to the Sublime Porte, in Servia, and in the United Principalities of Moldavia and Wallachia.

XXI. It is always understood that the Government of The United States of America does not pretend, by any Article in the



present Treaty, to stipulate for more than the plain and fair construction of the terms employed, nor to preclude in any manner the Ottoman Government from the exercise of its rights of internal administration where the exercise of these rights does not evidently infringe upon the privileges accorded by ancient Treaties or by the present Treaty to citizens of The United States or their merchandize.

XXII. The High Contracting Parties have agreed to appoint, jointly, Commissioners for the settlement of a tariff of Custom-House duties, to be levied in conformity with the stipulations of the present Treaty, as well upon merchandize of every description, being the produce or manufacture of The United States of America, imported into the Ottoman Empire, as upon articles of every description the produce or manufacture of the Ottoman Empire and its possessions, which citizens of The United States or their agents are free to purchase in any part of the Ottoman Empire for exportation to The United States or to any other country. The new tariff, to be so concluded, shall remain in force during 7 years, dating from the date of the exchange of the ratifications.

Each of the Contracting Parties shall have the right, a year before the expiration of that term, to demand the revision of the tariff. But if, during the 7th year, neither the one nor the other of the Contracting Parties shall avail itself of this right the tariff then existing shall continue to have the force of law for 7 years more, dating from the day of the expiration of the 7 preceding years; and the same shall be the case with respect to every successive period of 7 years.

XXIII. The present Treaty shall be ratified and the ratifications shall be exchanged at Constantinople in 3 calendar months, or sooner, if possible, and shall be carried into execution when ratified.

Done at Constantinople, on the 25th day of February, 1862.

(L.S.) EDWARD JOY MORRIS.

(L.S.) AALI.

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***CORRESPONDENCE between Great Britain, France, Spain and The United States, respecting the Affairs of Mexico; the Non-Settlement of Claims of British Bondholders and others; the Murder of the British Vice-Consul at Tasco; the Spanish Occupation of Vera Cruz; the Suspension of Diplomatic Relations, and the Combined Operations of Great Britain, France and Spain against Mexico.\*—1861, 1862.***

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*No. 1.—Lord J. Russell to Sir C. Wyke.*

(Extract.)

*Foreign Office, March 30, 1861.*

A PASSAGE to Vera Cruz having been ordered for you on board the contract packet appointed to leave Southampton on the 2nd of April, you will embark on board that vessel, and on your arrival at Vera Cruz proceed at once to Mexico. You will probably find Mr. Mathew already in diplomatic communication with the Constitutional Government; for Her Majesty's Government can hardly doubt that it will have willingly acceded to the conditions on which the re-establishment of friendly intercourse has been made to depend.

The instructions addressed to Mr. Mathew, both before and since the final triumph of the liberal party, made the recognition by Great Britain of the Constitutional Government contingent upon the acknowledgment by that Government of the liability of Mexico for the claims of British subjects, who, either in their persons or in their property, for a long series of years, can be proved to have suffered wrong at the hands of successive Governments in Mexico.

If Mr. Mathew should not have obtained any such concession from the Constitutional Government before your arrival, you must use your own discretion as to the time at which you should present your credentials. It is, of course, desirable that the re-establishment of regular diplomatic intercourse with Mexico should not be delayed, but it might happen that the manifestation of any undue eagerness on your part to bring about such a state of things might encourage the Constitutional Government to withhold the preliminary concession which Mr. Mathew was instructed to require.

Her Majesty's Government have all along declared that they had no desire to prejudge the quarrel between the two parties who have been long arrayed against each other in Mexico, or to side with one party against the other. Had the party of General Miramon shown a due regard for international obligations, and for the rights of British subjects, the British Legation would not have

\* Laid before Parliament, 1862.

been withdrawn from the city of Mexico. That step was forced upon Her Majesty's Government by continual disregard of the rights of British subjects, and of the obligations of international engagements, which rendered it impossible for Her Majesty's Government to continue to hold relations with the constituted authorities. But if the newly established Government should evince a disposition to act on different principles you will state to it without hesitation that the friendly feelings of Her Majesty's Government for Mexico have undergone no change, notwithstanding the grievous wrongs which British subjects have sustained at the hands of the successive Governments of that Republic; that the policy of the British Government with regard to Mexico is a policy of non-intervention, and that the British Government desire to see Mexico free and independent, and in a position to regulate the civil administration of the country, to maintain internal peace, and to discharge its international duties without the active intervention of any foreign Power whatever. Her Majesty's Government cannot doubt that such assurances as these will induce the Mexican Government to rely with confidence on the disinterestedness of any advice or suggestions which you may see occasion to offer to it, though I would caution you against obtruding such advice upon it, and still more against entering into any contest with the Representative of any other Power for exclusive influence over the councils of the Government.

I would, moreover, particularly caution you against taking any part in the political questions which may arise between contending parties in the State. A British Minister can never safely interfere in such matters; but as the representative of a country possessing liberal institutions, and therefore desiring to see other nations enjoying the same blessing, he will always be looked upon with respect, and will have more real influence for good in proportion as he keeps aloof from the factions or disputes of rival parties in the State.

Your earliest attention after your arrival in Mexico must be given to the question of British claims. You are aware that it has not been the custom of Her Majesty's Government, although they have always held themselves free to do so, to interfere authoritatively on behalf of those who have chosen to lend their money to foreign Governments, and the Mexican bondholders have not been an exception to this rule. The Constitutional Government, however, while established at Vera Cruz under the presidency of Señor Juarez, concluded with Captain Dunlop, two years ago, an arrangement by which it was stipulated that 25 per cent. of the Customs receipts at Vera Cruz and Tampico should be assigned to the British bondholders, and 16 per cent. to the holders of Con-

vention bonds. That Convention was confirmed and extended by the arrangement lately made by Captain Aldham. The claims of the bondholders, therefore, to the extent provided for in these arrangements, have acquired the character of an international obligation, and you should accordingly insist upon the punctual fulfilment of the obligations thus contracted.

The bondholders, moreover, have sustained a grievous loss by the robbery of a large sum of money belonging to them which had been deposited for security in the house of Her Majesty's Legation, and if Mr. Mathew should not have succeeded before your arrival in making a satisfactory arrangement for the early restitution of the amount thus plundered, you will insist upon such arrangement being immediately entered into with yourself. Her Majesty's Government will not admit as an excuse for hesitation in this respect the plea that the robbery was committed by the late Government. For, as regards this, as indeed all other claims, Her Majesty's Government cannot admit that the party who committed the wrong is alone responsible. Great Britain does not recognize any party as constituting the Republic in its dealings with foreign nations, but holds the entire Republic, by whatever party the government of it may from time to time be administered, to be responsible for wrongs done to British subjects by any party or persons at any time administering the powers of government.

Her Majesty's Government do not, indeed, anticipate any determined refusal on the part of the Constitutional Government to afford redress in this particular case; but if you should meet with any such resistance you will apprise the Mexican Government that you are authorized and enjoined at once to call upon Her Majesty's naval forces to support, and, if necessary, enforce, your demand for reparation. The fact that the scene of the outrage was the residence of the British Mission gives Her Majesty's Government a special right to enforce reparation in this particular case.

The robbery committed by General Degollado, when acting under the orders of the Government established at Vera Cruz, on a conducta of specie on its way to the coast, in which specie British subjects were largely interested, stands next in order as an act of violence for which reparation must be obtained; and I do not doubt that there will be no hesitation in making good the losses sustained by that transaction.

It is unnecessary for me on this occasion to go through the list of claims of British subjects which it will be your duty to press for settlement. Mr. Mathew has been instructed to present a list of such claims to the Ministers of the Republic, and to demand a settlement of them.

You will find on examining this list that the several claims,

although differing in degree, are all of a nature to require reparation, and it will be your duty to arrange with the Mexican Government the manner in which such reparation shall be made. Whatever arrangement you may make should be recorded in a Convention. For this purpose Her Majesty has been pleased to grant you a full power under the Great Seal.

The general British claims may probably be classed under two heads : those the validity of which has been recognized, and those the validity of which is still to be ascertained.

As regards the first class, the Convention should be confined to providing for the manner in which the amounts already agreed upon should be paid ; for Her Majesty's Government will not allow cases already examined and determined to be re-opened for prospective benefit either of British parties or of the Mexican Government.

As regards the second class, the Convention should provide for examining the claims, and for the liquidation of such as may be pronounced valid, either in whole or in part, on the same principle and in the same manner as may be stipulated in regard to the first class. Whether the examination of such claims shall be made by a Mixed Commission or not, must be left to your discretion to determine.

As regards the first class of claims they should be severally specified in the Convention with the sums payable in respect of each ; but such enumeration will of course not be practicable as regards the second class, which must remain open for the insertion of any claims brought forward before a specific day.

As regards the time at which either class of the claims shall be paid, Her Majesty's Government are aware that some degree of indulgence may be necessary. The troubles which have for many years past distracted the Republic have, as a natural result, impoverished the country, and made it difficult for the Constitutional Government to raise at once funds sufficient to provide for the immediate wants of the civil administration, and for the liabilities of the country towards foreign creditors and claimants. But you must be careful not to allow any temporary forbearance which you may show in pressing for the liquidation of British claims to be construed into indifference. So far from that, you will lose no opportunity of pointing out the necessity of taking measures for developing the resources of the country, on the ground that the result of such development will be to supply the Treasury not only with the means of meeting the expenses of the Civil Government, but also with those for satisfying all international claims.

An opinion has got abroad that the Constitutional Government

will probably adopt some measure in regard to ecclesiastical property which will place at its disposal a large sum of money.

It is not the part of Her Majesty's Government to say whether this act should be sanctioned or not, but if by any measures of the Mexican Government, which they consider right and expedient, the public Treasury should be immediately or prospectively replenished, Her Majesty's Government may fairly urge that British claimants should have the benefit of such a state of things, and obtain an earlier settlement of their outstanding claims.

The only question affecting the internal polity of Mexico, in regard to which Her Majesty's Government would feel warranted in offering advice unsolicited, is that of freedom for religious worship. Putting aside all considerations of a moral character, which are so strongly in favour of a general liberty of conscience, it is impossible to doubt that Mexico would find great political advantage in throwing down the barrier which now prevents Christians of different sects from settling in the country, and in thereby encouraging the immigration from other countries of persons whose activity and skill would contribute to improve the resources of the country.

I inclose a despatch on this subject which I addressed to Lord Cowley in July last.

You are so well acquainted with the peculiarities of the Spanish character that it is needless for me to dilate on the best means of dealing with the people with whom you may be brought into contact. They are to be influenced by moderate language and considerate demeanour, but they resist and defy attempts to intimidate or coerce.

But it may be that with all your tact and forbearance you will fail to obtain a hearing for well-founded representations on behalf of British subjects; and in such cases you may, by referring quietly to the presence of Her Majesty's ships of war on the coasts of Mexico, leave the Mexican Government to infer that those ships are available for your support if your just demands should be rejected, or if the engagements entered into with you should be disregarded.

As regards the question of Article X of the Convention of 1826,\* you will find that the construction of that Article has been a fruitful source of discussion between the two Governments, more especially during the rule of General Miramon, when forced loans, under one denomination or another, but more usually, of late, under that of a tax on capital, were continually attempted to be levied on Her Majesty's subjects. You will judge how far any overture on your part for clearing up doubts in regard to this Article, and for secur-

\* Vol. XIV. Page 614.

ing for British subjects exemption from all extraordinary contributions, under whatever denominations they may be levied, would meet with a favourable reception on the part of the Mexican Government, and if you see a probability of such being the case, you will frame and refer home for consideration the draft of an Additional Article to the Convention of 1826, to which the Mexican Government would be likely to agree.

If any differences should arise between the Mexican Government and foreign Powers, you will not hesitate to employ such influence as you may possess for preventing those differences from leading to an open rupture. But in taking such a course you must be careful not to assume for yourself, or for your Government, any responsibility, and you must avoid any uncalled-for assumption of mediation.

With the representatives of foreign States accredited to the Republic you will endeavour to live in harmony. You will always bear in mind that neither in Mexico nor in any part of the world do Her Majesty's Government seek any exclusive political influence, nor any commercial advantages which they are not ready to share with all the nations of the earth. The only object at which they aim is to secure for this country its proper place in the family of nations, and their only desire is to employ any influence which Great Britain may possess, for the promotion of general peace and the development of commercial industry.

*Sir C. Wyke.*

J. RUSSELL.

*(Inclosure.)—Lord J. Russell to Earl Cowley.*

*(Extract.)*

*Foreign Office, July 17, 1860.*

I HAVE to state to you that Her Majesty's Government do not at all pretend to impose religious toleration as a basis in Mexico.

But it appears to Her Majesty's Government that to restrict a quiet and obedient subject of the State from worshipping God in such manner as he thinks most acceptable to his Creator, whether alone or in communion with others, is a barbarous abuse of power. All that the civil magistrate can ask is obedience in civil matters, and the right of religious freedom is so natural and so obvious that it is probable Mexico never will be tranquil so long as men are punished for entertaining a belief different from that of the Government. When, therefore, there is a question of renewing our offer of mediation, Her Majesty's Government will express in a separate despatch their conviction that a tyranny over men's consciences ought to be abandoned by the Government of Mexico.

*Earl Cowley.*

J. RUSSELL.



*No. 2.—Lord J. Russell to Sir C. Wyke.*

SIR,

*Foreign Office, April 17, 1861.*

I HAVE received from Mr. Mathew and from Her Majesty's Consul in Mexico an account of the barbarous murder of Mr. Edward Bodmer, the British Vice-Consul at Tasco, whilst endeavouring to save the life of a Mexican citizen, who was assaulted by some soldiers belonging to a section of General Vicario's army. I have now to instruct you to urge the Mexican Government to spare no efforts to bring the perpetrators of this atrocious outrage to justice, and you will at the same time demand ample reparation for the widow and family of Mr. Bodmer.

I am, &amp;c.

*Sir C. Wyke.*

J. RUSSELL.

*No. 3.—Mr. Mathew to Lord J. Russell.—(Received May 10.)*

MY LORD,

*Mexico, March 26, 1861.*

I HAVE received a note, of which I have the honour to inclose a translation, from Señor Zarco, expressing the desire of the Mexican Government to secure to Her Majesty's subjects in Mexico the rights of worship according to their conscience, by an Additional, or more correctly, I believe, by a Separate Article to the International Treaty.

A similar communication has, I understand, been addressed to the Ministers of The United States and Prussia, who inform me that they entertain no doubt that the proposal will be gladly accepted by their respective Governments.

From the class of persons who are likely to be attracted to this country, in mining and other pursuits, by the prolongation of peace, I believe that to no nation will this privilege be more important than to Her Majesty's subjects, and I venture to assure myself that your Lordship will receive with much satisfaction the proposal of the Mexican Government for ensuring this right under the guarantee of Treaties.

I have, &amp;c.

*Lord J. Russell.*

GEORGE B. MATHEW.

*(Inclosure.)—Señor Zarco to Mr. Mathew.*

(Translation.)

*Mexico, March 25, 1861.*

THE Undersigned, &c., has the honour to address Mr. Mathew by special command of his Excellency the President, and to inform him that the Constitutional Government of Mexico is desirous to afford foreigners full protection and security with proper guarantees, and that consequently it is ready to add an additional Article to the Treaty already existing between Great Britain and Mexico, whereby it shall be stipulated that foreigners may carry out freely, publicly, and under the protection of the law, their several forms of religion, and worship God according to the dictates of their own conscience.

The preliminary steps in this matter can be entered upon in this capital, should Mr. Mathew be provided with the powers necessary for such transactions; otherwise at the Court of St. James, so soon as the representative of Mexico shall have presented his credentials.

The Undersigned, &c.

G. B. Mathew, Esq.

FRANCISCO ZARCO.

*No. 4.—Mr. Mathew to Lord J. Russell.—(Received May 10.)*

MY LORD,

*Mexico, April 5, 1861.*

IN a recent and prolonged conversation with Señor Zarco, Minister for Foreign Affairs, relative to British claims, that gentleman earnestly assured me of the desire entertained by his Government to meet my just demands on behalf of Her Majesty's subjects in every manner that the deplorable financial condition of Mexico would admit; and further expressed the readiness of the Mexican Government to do whatever your Lordship might deem proper for preventing a recurrence of the exactions lately suffered by British subjects from misinterpretation or deficiencies in the International Treaty, from which many of the existing reclamations have arisen.

I thought it therefore desirable to address him a brief note on these subjects, in order to be enabled to submit to your Lordship some definite proposals and views.

The unsettled condition and future prospects of Mexico, and the experience of the last 3 years render it, I feel convinced, of obvious importance that all articles of disputed interpretation in the Treaty should be clearly defined, and that such additions should be made to it as your Lordship may think conducive to the security of Her Majesty's subjects, and to the advantage of British interests.

I have much pleasure in being able to lay before your Lordship, by the inclosed translation of Señor Zarco's reply, the official declaration of the desire of the Mexican Government to meet these objects.

This Government, as your Lordship will observe, propose to refer all British reclamations, not yet recognized by it, to the examination and final decision of a Mixed Commission, and to assign for the gradual discharge of all English claims thus or previously admitted, a stated portion of their revenues.

It is distinctly understood that this proposal, which I have now to submit to your Lordship's consideration, has no reference to the special agreement already entered into by the Mexican Government for the repayment of the British money seized in the "conductas" at Lagos and Tampico, nor to the negotiation in progress between the Mexican Government and the agent of the bondholders for the restoration of the money plundered at this Legation.

Señor Zarco proceeds to state the willingness of his Government to define or extend, as your Lordship may think fit, in the usual manner the privileges to be mutually enjoyed by British and Mexican subjects respectively, and makes in the name of the Mexican Government the declaration, that they stipulate from the present moment for the extension of the right of exemption from forced loans, in Article X, to exemption from extraordinary contributions, from which Her Majesty's subjects have so severely suffered.

He observed that he has proposed by a separate note (the subject matter of my despatch of the 26th of March), to secure to Her Majesty's subjects, by a separate Article, the free right of public worship, and he transmits a copy of the now existing law for that object, which I have the honour to inclose.

I think your Lordship will not disapprove of my having thus taken the earliest opportunity of bringing these matters to issue. I am not aware of any other points in the International Treaty calling for notice, except that of intestate estates, but I may at the same time bring to your consideration the questions affected by the late proposed and, I imagine, discarded Treaty with The United States, of any exclusive rights of transit for merchandize, or of Isthmus jurisdiction.

I have, &c.

*Lord J. Russell.*

GEORGE B. MATHEW.

*(Inclosure 1.)—Mr. Mathew to Señor Zarco.*

*Mexico, March 22, 1861.*

THE Undersigned refers with much pleasure to his recent conversation with his Excellency Señor Don Francisco Zarco, respecting some proposed mode of liquidation, by mutual arrangement, of the heavy claims of British subjects against Mexico, and he would be glad to be enabled to transmit for the consideration of his Government the views entertained by his Excellency and the Mexican Cabinet.

The consideration of this subject naturally led to remarks upon certain alleged doubts with regard to the wording of the present international Treaty between Great Britain and Mexico, upon infractions of which many of the British claims are founded, which his Excellency Señor Zarco informed him had attracted the serious consideration of his Government.

The Undersigned would have great satisfaction at the same time, therefore, in laying before his Government any general suggestions which his Excellency Señor Zarco may think fit to communicate to him, with the view of securing beyond the possibility of doubt or question, in Great Britain and in Mexico, to the natives of each

country the rights and privileges to which the two Governments have declared them entitled in civil and religious matters.

The Undersigned, &c.

*Señor Zarco.*

GEORGE B. MATHEW.

(*Inclosure 2.*)—*Señor Zarco to Mr. Mathew.*

(Translation.)

*National Palace, Mexico, March 27, 1861.*

THE Undersigned, &c., has the honour of acknowledging the receipt of the note which Mr. Mathew, &c., was pleased to address him, under date of the 22nd instant, in which, referring to a recent conversation he had with the Undersigned respecting British claims, he expresses a desire to know what are the intentions of the Mexican Government as to their liquidation and settlement.

The Undersigned, who has already expressed to Her Majesty's Chargé d'Affaires how sincere is the wish of the Mexican Government to offer every kind of security for faithfully complying with the Treaties, and to attend to all claims founded in justice, has also laid before him the great difficulties which at this moment impede an immediate and satisfactory settlement; difficulties which are the natural consequences of a 8 years' civil war, and by which the public Treasury has been drained, and the burthens weighing upon the revenue have been greatly increased.

The Undersigned has been gratified by perceiving that Her Britannic Majesty's worthy Representative has justly estimated the goodwill of the Mexican Government, and is not unconscious of the obstacles which are but superficially noticed in this note.

The Undersigned has requested from the Finance Department a circumstantial statement of the assignments of the duties of the maritime Custom-Houses granted for the payment of foreign claims, and as soon as this statement is made out he will have the honour of submitting it to Her Britannic Majesty's Chargé d'Affaires, in order that he may be pleased to take it into his consideration.

In the meantime, the Undersigned can inform his Excellency that the desire of the Mexican Government is to examine all British claims in order to ascertain their exact amount, to submit all that may be pending and not yet recognized (should Her Britannic Majesty's Government concur) to the scrutiny and decision, without appeal, of a Mixed Commission, whose organization would be the subject of arrangement between the two Governments, and to assign for the payment of all claims thus admitted all that part of the national revenues that can be disposed of, reserving only what is absolutely necessary for covering the estimated expenditure, into which every economy compatible with the existence of Government has been already commenced to be introduced.

The Undersigned would truly wish to be able to make more flattering promises to Her Britannic Majesty's Chargé d'Affaires, but he prefers (and thinks it more consonant with rectitude) to use only the sincere language of truth, and to state that only which is within the limits of possibility in the present circumstances of the country.

The Government of the Undersigned recollect with satisfaction that Mr. Mathew, on the day of his official reception, offered them the full moral support of Great Britain, and they confidently hope from the sentiments of justice and benevolence which animate the Government of Her Britannic Majesty that they will see in this statement a proof of good faith, and of the sincere desire of the Mexican Government to meet their just and well-founded reclamations.

The Undersigned takes leave to observe that when peace has been consolidated in the Republic, and the Government has been enabled to direct their attention to the improvement of all the branches of the public administration, the increase of their revenues will be gradual and progressive, and the product, therefore, of whatever assignments may have been made of these revenues will be greater for the payment of British claims.

The Undersigned likewise observes, that a general arrangement and the formation of a common fund would have the advantage of offering a greater degree of equity to British claimants; for they would thus avoid preferences in favour of some and to the detriment of others, occurrences which might take place independently of the desire of the Mexican Government, and even of the British Legation, who occasionally recommend and give ear to certain cases without being able to do the same for all the cases of like nature.

As Mr. Mathew, in the note to which the Undersigned has the honour of replying, has been pleased to suggest the propriety of laying down the clear meaning of some of the Articles of the existing Treaty of Friendship between Great Britain and Mexico, the infraction of which has caused many of the reclamations, the Government of the Undersigned perceives no sort of inconvenience in making, with that of Great Britain, such declarations as may seem best suited to prevent for the future all species of doubt or questions of interpretation, so that the natives of each country may enjoy when resident in the other, clear and defined rights.

Although, in order to arrive at this result, it may be needful to open negotiations, and to give the proper instructions to Plenipotentiaries, the Government of the Undersigned declare that from the present moment they agree, with respect to the stipulations in the Xth Article of the Treaty of December 26, 1826, to extend the exemption from forced loans to extraordinary contributions, limiting

their obligation of paying to such contributions as may be legally established in accordance with the Constitution of the Republic, and to those which the States may impose in conformity with their particular laws and their municipal regulations.

The Government of Mexico are prepared, with regard to any explanation or modification of any other Articles of the Treaty, to take into consideration any proposals or suggestions made on the part of Great Britain; and in considering such they will entertain no other view than that of maintaining and of strengthening more and more the friendly relations that happily exist between the two countries, reserving to themselves the right of proposing on their part the modifications which, on a careful examination, they may deem conducive to the maintenance of these relations and to the legitimate interests of the Republic.

With respect to the question of granting to the natives of both countries reciprocally the right of religious liberty, the Undersigned has already made known to Mr. Mathew in his note of the 25th instant, that the Government of Mexico is willing to secure, by an Additional Article to the Treaty, the necessary stipulation for ensuring to British subjects the free exercise of their worship, and the right of adoring God according to the inspirations of their conscience.

Foreign residents in Mexico enjoy this right since the triumph of the legitimate Government, who have proclaimed, defended, and sustained, the great principle of religious liberty; and such is the desire of the Government to see it carried out fully into practice, that they have not awaited in proclaiming it for the suggestion of friendly Powers, and they will concede the liberty of worship to all mankind, even though they should know that on this point due reciprocity had been denied to Mexican citizens in any other country of the world.

In order that Mr. Mathew may form an exact idea of the principles which on this point serve as a guide to the Government of the Republic, and which he may communicate to that of Her Britannic Majesty, the Undersigned has the honour to inclose a copy of the Decree of the 4th of December last,\* which regulates the liberty of worship in this country, and whose provisions the Undersigned hopes may be the basis accepted by the Government of Great Britain for the stipulation proposed by the Undersigned in his note of the 25th instant.

The Undersigned, &c.

G. B. Mathew, Esq.

FRANCISCO ZARCO.

*No. 5.—Mr. Mathew to Lord J. Russell.—(Received May 28.)*

MY LORD,

*Mexico, April 19, 1861.*

A PUBLIC and religious ceremony having been announced to

take place at Tacubaya in commemoration of the murders of prisoners and other persons committed there in the month of April, 1859, by order of Generals Miramon and Marquez, I deemed it a fitting moment to call the consideration of the Mexican Government to the claim of the widow and family of the unfortunate Dr. Duval

Señor Zarco, in a note of which I have the honour to inclose a translation, informed me that the President was willing to assign nationalized property of the value of 25,000 dollars for their benefit. Conscious of the all but impossibility under which the Government laboured of finding other means, I conceived it important to the interest of Dr. Duval's family to place the offer of Señor Zarco in the hands of a respectable person, Mr. Knight, as their representative to carry it into effect; but at the same time I deemed it right to guard myself in my reply, of which a copy is herewith transmitted, against the possible presumption of having admitted the disclaimer contained in Señor Zarco's note of pecuniary responsibility on the part of the Government. I have, &c.

*Lord J. Russell.*

GEORGE B. MATHEW.

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(Inclosure 1.)—*Señor Zarco to Mr. Mathew.*

(Translation.)

*Mexico, April 12, 1861.*

THE Undersigned, &c., in reply to Mr. Mathew's note respecting certain indemnity for the family of Dr. Duval, has the honour to inform him that, notwithstanding their desire to meet his wishes in the present instance, the Mexican Government neither are nor can be held responsible, whether they be judged by international law, the laws of Mexico itself, or by general principles of justice, for the crimes of certain people calling themselves a Government, and lately in possession of the capital, much less when such crimes come under the category of murders, as in the case of the unfortunate Dr. Duval. Consequently, the Undersigned cannot but feel that Mr. Mathew will perceive how impossible it would be for the present Government, with the principles they hold, to impose upon the country the payment of such indemnities as could not fail to give rise to a responsibility quite inadmissible.

Nevertheless, the Constitutional Government, from feelings of humanity and justice, would not be indisposed to grant some kind of voluntary indemnity in such instances as the present one, and, as regards the family of Dr. Duval, would be willing to set aside house property to the amount of 25,000 dollars, the sum specified by Mr. Mathew, an arrangement that could be carried out either in actual houses or in convent property, the latter having been secularized.

The Undersigned, &c.

*G. B. Mathew, Esq.*

FRANCISCO ZARCO.

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(*Inclosure 2.*)—*Mr. Mathew to Señor Zarco.*

*Mexico, April 18, 1861.*

THE Undersigned, &c. begs to acknowledge the notes addressed to him by his Excellency Señor Don Francisco Zarco, &c. under dates of the 12th, 13th, 15th, and 16th instant.

He feels most fully assured of the sentiments of reprobation with which the Government of whom his Excellency is a justly distinguished member must regard any acts of outrage and exaction from which Her Majesty's subjects in Mexico may have suffered, and for which they naturally look to that country for the compensation due to them; still less can he doubt the indignation with which they must view such atrocious and cowardly acts of assassination as that of which the unfortunate Dr. Duval was a victim—deeds, whose advisers and perpetrators will yet, he trusts, meet condign punishment.

The Undersigned has received with sincere gratification the notification that his Excellency the President has determined to assign immediately property of the value of 25,000 dollars for the benefit of Dr. Duval's widow and family, and has requested Mr. Knight, as their agent and friend in this capital, to wait upon his Excellency Señor Zarco, and to concert with him all necessary steps for carrying his Excellency's benevolent commands into immediate effect.

The Undersigned, &c.

*Señor Zarco.*

GEORGE B. MATHEW.

*No. 6.—Lord J. Russell to Sir C. Wyke.*

SIR,

*Foreign Office, May 30, 1861.*

HER Majesty's Government approve Mr. Mathew's proceedings, as reported in his despatch of the 19th ultimo, with reference to the proposed assignment of national property of the value of 25,000 dollars to the widow of the late Dr. Duval.

I am, &c.

*Sir C. Wyke.*

J. RUSSELL.

*No. 7.—Mr. Mathew to Lord J. Russell.—(Received June 27.)*  
(Extract.)

*Mexico, May 12, 1861.*

THERE has been but little change in the affairs of Mexico for the last two months. Señor Prieto was succeeded in the Ministry of Finance by Señor Mata, whose previous nomination as Minister to England I had the honour of notifying to your Lordship, and who has only agreed to fill the office until the meeting of Congress. The death of Señor Lerdo de Tejada, the ablest, if not the only financier in the Republic, has been severely felt at the present crisis.

It seems doubtful whether Señor Mata will proceed to London;

the name of Señor Gomez Farias has been mentioned to me by Señor Zarco, in the event of a new appointment.

Señor Fuente, a lawyer of some note, left Mexico by the last packet on a mission to Paris, and probably to Spain; his departure having been long delayed by the difficulty of procuring even the small sum of money necessary for his journey and support.

To this complete deficiency of resources must be attributed the continued existence and increase, in various parts of the country, of guerilla bodies under the Spaniards Cobos and Vicario, and under the infamous Marquez, who pursues still his course of murder and rapine.

Two petty attempts to create disturbances in this capital were discovered and put down in time.

In other respects public tranquillity has not been disturbed, and however faulty and weak the present Government may be, they who witnessed the murders, the acts of atrocity and of plunder, almost of daily occurrence, under the Government of General Miramon and his counsellors, Señor Diaz and General Marquez, cannot but appreciate the existence of law and justice.

Foreigners, especially, who suffered so heavily under that arbitrary rule, and by the hatred and intolerance towards them which is a dogma of the Church party in Mexico, cannot but make a broad distinction between the past and the present.

President Juarez, though deficient in the energy necessary for the present crisis, is an upright and well-intentioned man, excellent in all the private relations of life; but the mere fact of his being an Indian exposes him to the hostility and sneers of the dregs of Spanish society, and of those of mixed blood, who ludicrously arrogate themselves the higher social position in Mexico.

I have already made known to your Lordship my opinion of the objectionable nature of the Federal Constitution now in force; and I have not concealed my fear for the future peace of Mexico, from the utter want of patriotism among the higher classes, and from the demoralisation and restlessness produced among all by the prolonged state of civil warfare. A desire for change is already stated to exist in certain quarters, and the idea of the selection of a Military Dictator has been put forward; but it is scarcely needful to observe that such a step would be no palliation of the present wants, and no preventive of the future dangers of the country.

General St. Anna was the ablest man of that class Mexico has produced, and the temporary good effect of his energetic character is unquestionable; but that due appreciation of equal justice, of social rights, and of peaceful prosperity, by which alone nationality can be maintained, cannot be created by the strong hand of arbitrary power.

The hope of Mexico rests upon the maintenance of peace. A

wise basis of civil and of religious liberty has been laid down, and peace only is needed for the development of constitutional principles, and for the gradual enlightenment of the people.

But seeing, as I do, so many native and foreign elements at work to disturb the existing state of things, I cannot but entertain a conviction that unless the present Government or principles of government are in some way avowedly upheld by England or The United States—by a protecting alliance, or by the declaration that no revolutionary movements would be permitted in any of the seaports on either ocean—further deplorable convulsions will afflict this unfortunate country, to the heavy injury of British interests and commerce, and to the disgrace of humanity.

I do not believe it possible that the Church party, or that the former rule of intolerance and of gross superstition, can ever be restored to power: so far, at least, has been secured by the result of the last civil war—the first contest for principles, it may be remarked, in this Republic. But the result of the intrigues of various parties with different views and hopes, and the difficulties and embarrassments purposely brought to bear upon a weak and bankrupt Government, may cause an early dismemberment of the Republic, and its division into many petty States.

The most imminent peril, however, to Mexico, and one which will equally press on any future as on the present Government, is the deplorable state of its finances. On the one hand, the Supreme Government have no power to raise taxes, save with the consent of the States (and the country, though possessed of great internal wealth, is, for the present year or more, utterly ruined and exhausted by the late war); and on the other, the resources now receivable by the Government are avowedly unequal to more than half the amount of the expenditure actually requisite.

The chief revenues arise from the import duties, and not only are these gradually but surely diminishing, from the smuggling consequent on the high duties so unwisely imposed on cottons and woollens, and other goods of general consumption, but at this moment, in Vera Cruz, the chief port of the Republic, no less than 77 per cent. are claimed by foreign creditors. Of this amount—

27 per cent. are assigned to the London bondholders.

24 per cent. to the “British Convention,” which numbers very few English holders.

10 per cent. extra to replace arrears.

10 per cent. to replace the money at the Mint of Guanaxuato.

8 per cent. for the French Convention.

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The Mexican Government has been accused, and not without

some reason, of having frittered away the Church property recently nationalized; but it must be remembered that, while forced contributions, plunder, and immense supplies from the Church and its supporters, have enabled Generals Zuloaga and Miramon to sustain the civil war for three years, the Constitutional Government abstained from such acts, and have the sole robbery of the conducta at Lagos, towards the close of the war, to answer for. Their resources during this lengthened period were drawn from advances by individuals, on bonds for far larger sums, payable at the close of the war, and from the actual sale of a great part of this property at 25, 20, and even 15 per cent. of its supposed value.

The advantageous disposal of the remainder was most detrimentally affected by the circulation of reports calculated to prevent the restoration of confidence, and the consequent investment of money in the purchase of nationalized property; and the Government have consequently been obliged by their necessities, after trying in vain every better mode of sale, to dispose of the property on "pagarés" (or promissory notes), to be paid off by instalments extending over several years.

These "pagarés," again, they are compelled to sell by auction, at a heavy discount, to provide for the daily subsistence of the troops, and the maintenance of the Government.

From the foregoing details your Lordship will at once understand the precarious condition of Mexico, and that, without some foreign interposition, the dismemberment of the Republic and a national bankruptcy appear all but inevitable.

The session of the Mexican Congress, after some preliminary time spent in verifying the elections, was opened on the 10th; and I have the honour to inclose copies of the speeches of President Juarez, and of the President of the Congress, on that occasion.

I am sorry to say that I entertain but little hope of much practical advantage from their deliberations; indeed, I know not that much is in their power, especially with regard to the most pressing danger, the financial position of Mexico.

The bondholders might, perhaps, save their capital by submitting to a temporary suspension of interest; and the establishment of a more equitable tariff, which the Government are pledged to me to urge upon the Congress, may lay down a better future basis of revenue.

But Mexico should, whatever her distress, at least commence at home; and the holders of the immense internal debt should be the first to suffer for the ruin their own folly has caused or abetted. I much fear that the Republic has not produced men of sufficient energy and honour to adopt this course, unsustained by some foreign interposition.

The effort will always be made to make the foreigner the chief sufferer from the undoubtedly bankrupt state of the country.

One of the first acts of the Congress will be to verify the election of the President, which has recently taken place throughout the country: unless one of the candidates has a majority of all the votes cast, the Congress selects; and it is thought very possibly that by this course Señor Juárez, though highest on the list of candidates, may be defeated, and that General Ortega may be named.

Her Majesty's Envoy Extraordinary and Minister Plenipotentiary, Sir Charles L. Wyke, and Mr. Johnston, arrived safely in this capital on the 9th instant.

*Lord J. Russell.*

GEORGE B. MATHEW.

*No. 8.—Sir C. Wyke to Lord J. Russell.—(Received June 27.)*  
(Extract.) *Mexico, May 27, 1861.*

In a long conversation I had with Señor Guzman I dwelt on the astonishment that would naturally be felt by Her Majesty's Government when informed that no steps had yet been taken for the payment of the 660,000 dollars, which we must insist on being refunded to the parties from whom it had been stolen. I added that the honour of the Mexican Government was directly concerned in this matter, and therefore fully expected to hear from him some explanation.

Don Leon Guzman was profuse in his professions of being willing to do all that could in justice be required of him, but whenever I attempted to get him out of generalities, he avoided the difficulty by stating that until I was formally installed as Her Majesty's Minister here, he could not officially treat the question with me, but again expressed his willingness to render every satisfaction when the proper time for so doing should arrive. As soon after the departure of the mail as possible I shall put his sincerity to the test.

The term of delay granted for the repayment of the money stolen from the "conducta" by General Degollado expires on the 11th of next month, and I have every reason to believe that they are not prepared to meet the demand that will then be made upon them.

*Lord J. Russell.*

C. LENNOX WYKE.

*No. 9.—Sir C. Wyke to Lord J. Russell.—(Received June 27.)*  
(Extract.) *Mexico, May 27, 1861.*

It will be very difficult, if not impossible, to give your Lordship a correct idea of the present state of affairs in this unfortunate

country, so utterly incomprehensible is the conduct of the Government which at present presides over its destinies.

Animated by a blind hatred towards the Church party, the present Government has only thought of destroying and dissipating the immense property formerly belonging to the clergy, without, however, at the same time taking advantage of the wealth thus placed at their disposal to liquidate the many obligations which at present weigh them down and cripple their resources.

The Church property has generally been supposed to be worth between 60,000,000 and 80,000,000 Spanish dollars, the whole of which appears to have been frittered away without the Government having anything to show for it. A considerable amount has, doubtless, been spent in repaying advances at exorbitant interest, made to the Liberal party when they were fighting their way to power; but still enough ought to have remained after satisfying their creditors to have left them very well off, and in a better position as to their pecuniary resources than that held by any other Government.

Since their Declaration of Independence, according to a Decree issued by them some time ago, anybody denouncing Church property has the right to purchase it on the following terms: 60 per cent. of the value of such houses or lands are to be paid in bonds of the internal debt (which bonds are in reality only worth 6 per cent.), and the remaining 40 per cent. in "pagarés" or promises to pay hard cash, at 60, and even 80 months' sight. These "pagarés," of course, were subsequently discounted at an enormous sacrifice, as the Government was pressed for money, and willing to pay any nominal value to obtain it without delay. In this way 27,000,000 dollars' worth of Church property has been squandered in this city alone, and the Government, now without a *6d.*, is endeavouring to raise a loan of 1,000,000 dollars to pay their current expenses.

The Church party, although beaten, are not yet subdued, and several of their Chiefs are within 6 leagues of the capital, at the head of forces varying from 4,000 to 6,000 men. The notorious Marquez is one of these, and he has lately defeated several bodies of Government troops sent against him.

The religious feelings of a fanatic population have been shocked by the destruction of churches and convents all over the country, and the disbanded monks and friars wandering about amongst the people, fan the flame of discontent, which is kept alive by the women, who, as a body, are all in favour of the Church.

Those well acquainted with the country watch this movement with anxiety, and say that unless promptly checked, it will lead to the downfall of the present Government, and renew again all the horrors of a civil war.

In the meantime Congress, instead of enabling the Government to put down the frightful disorder which reigns throughout the length and breadth of the land, is occupied in disputing about theories of so-called government on ultra-liberal principles, while the respectable part of the population is delivered up defenceless to the attacks of robbers and assassins, who swarm on the high road and in the streets of the capital. The Constitutional Government is unable to maintain its authority in the various States of the Federation, which are becoming *de facto* perfectly independent, that the same causes which, under similar circumstances, broke the Confederation of Central America into 5 separate Republics are now at work here, and will probably produce a like result.

This state of things renders one all but powerless to obtain redress from a Government which is solely occupied in maintaining its existence from day to day, and therefore unwilling to attend to other people's misfortunes before their own. The only hope of improvement I can see is to be found in the small moderate party who may step in perhaps before all is lost, to save their country from impending ruin. Patriotism, in the common acceptation of the term, appears to be unknown, and no one man of any note is to be found in the ranks of either party. Contending factions struggle for the possession of power only to gratify either their cupidity or their revenge, and in the meantime the country sinks lower and lower, whilst its population becomes brutalized and degraded to an extent frightful to contemplate.

Such is the actual state of affairs in Mexico, and your Lords will perceive therefore that there is little chance of justice or redress from such people, except by the employment of force to exact it, which both persuasion and menaces have hitherto failed to obtain.  
*Lord J. Russell.* *C. LENNOX WYKE*

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*No. 10.—Sir C. Wyke to Lord J. Russell.—(Received July 29. (Extract.) Mexico, June 24, 1862.)*

In my despatch of the 27th ultimo, I stated that I should take an early opportunity of testing the sincerity of Don Leon Guzman, the new Minister for Foreign Affairs, with reference to his assertion to me that the Mexican Government were most anxious to atone, by any means in their power, for the outrage committed at the British Legation in November last.

My interview with him took place on Saturday the 1st inst. He said that legal measures had been instituted against the persons who had stolen the 660,000 dollars on that occasion, and that they were condemned by the courts, their property would be confiscated, and the proceeds thereof employed towards paying that sum.



This I told him I had nothing whatever to do with, having merely to insist on the repayment of the money stolen, without in any way being concerned in the means by which it was to be procured.

I pointed out to Señor Guzman that the speedy repayment of the sum above-mentioned was essential, not only for the honour and credit of the Mexican Government, but also for the maintenance of friendly relations between the two countries.

Don Leon then assured me that before the departure of the next mail he should be able to furnish me with such explanations relative to this matter as would prove satisfactory to Her Majesty's Government.

With regard to the money robbed from the "Laguna Seca" conducta, he informed me that it should be paid at the end of the 4 months named as the term for liquidating this claim.

On the Monday following, that is to say the 3rd of June, appeared in most of the newspapers a decree issued by the President, under the authority of the Congress, whereby all payments to the creditors of the National Treasury were suspended for the space of one year, with the exception of the claim commonly known as that of the "Laguna Seca" and of the Diplomatic Conventions.

As the claim arising out of the Legation robbery was not specified in the list of exceptions to non-payment, I addressed a note to Señor Guzman on the subject, copy of which, together with a translation of his reply, I have the honour to inclose.

Not deeming the latter satisfactory, I again wrote to him on the 7th instant, in order to maintain the position I had taken, as well also as to prove to him that I was perfectly justified in demanding an explanation as to the omission of all mention of the Legation robbery claim in the Decree of the 29th ultimo, which I herewith inclose for your Lordship's information. Copy of this note I likewise transmit, together with translation of his reply, in which he endeavours to establish by inference the principle that the actual perpetrators of the Legation outrage are alone responsible for the wrong done on that occasion.

Seeing the necessity of at once checking this attempt to shift the responsibility from off the shoulders of the Mexican Government, I again addressed Señor Guzman on the 14th instant, which note had the effect of producing a reply, showing considerable temper, and in which it is plainly asserted that they will do nothing that they are not strictly bound to perform by the agreement made with Mr. Mathew at the time of his recognition of the Juarez Government.

The tone of this communication was, taking into consideration  
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the general style of their official correspondence, anything but courteous, and it therefore called forth a reply from me couched in even stronger terms than my note of the 14th instant. I have the honour to inclose copies of this despatch, which has remained unanswered up to the present moment, owing, I suppose, to the resignation of the Guzman Administration.

In order to avoid all confusion, I will treat of the "Laguna Seca" claim in a separate despatch, inclosing therein the correspondence which has taken place with reference to it between the Mexican Government and Her Majesty's Legation.

*Lord J. Russell.*

C. LENNOX WYKE.

*(Inclosure 1.)—Sir C. Wyke to Señor Guzman.*

SIR,

*Mexico, June 3, 1861.*

IN Article II of a Decree bearing the President's signature, and dated the 29th ultimo, but which was only brought to my notice this morning, I perceive that the payment of all claims against the National Treasury, except those guaranteed by Diplomatic Conventions, and the one commonly known as that of the "Laguna Seca," is to be suspended for the period of 12 calendar months.

Without entering into the grave questions that may arise out of the practical operation of this Decree, I will simply call your attention on the present occasion to the omission of all mention in it of the claim caused by robbery from Her Majesty's Legation of the sum of 660,000 dollars belonging to the English bondholders.

The settlement of this claim, which so nearly affects the honour and credit of the Mexican Government, cannot surely be intended to be postponed until after the expiration of the term, mentioned in said Decree for the suspension of payment.

Your Excellency will greatly oblige me by clearing up all doubt on this subject, for the question involved is one of the greatest importance as nearly affecting those good relations between our respective Governments which it is our duty, as well also, I am sure, and mutual desire, to maintain.

I avail, &c.

*Señor Guzman.*

C. LENNOX WYKE.

*(Inclosure 2.)—Señor Guzman to Sir C. Wyke.*

(Translation.)

*Mexico, June 6, 1861.*

THE Undersigned, &c. has the honour of replying to the note of his Excellency the British Minister, under date of the 3rd instant, in which his Excellency is pleased to ask for an explanation of the omission to include among the exceptions to the Decree of the 29th of May last, upon the subject of a general suspension of Treasury payments, the 660,000 dollars belonging to the London bond-

holders, and stolen by the rebels from Her Britannic Majesty's Legation.

In doing so, the Undersigned has the honour to inform Sir Charles Wyke that the suspension of payments does not, and could not, include the 660,000 dollars in question, and, consequently, there was no necessity to make any exception in this case.

By the arrangement made in the matter of the 660,000 dollars, the Mexican Government has assigned for their payment the property of the responsible parties, and only in the event of such property proving insufficient for the purpose, did it engage itself to treat of and settle amicably the reimbursement of the whole sum. Inasmuch, then, as the money is not being paid by the National Treasury, the suspension of payments referred to does not, and cannot affect it.

Were, indeed, the Treasury eventually called upon to make good any deficiency, the suspension of payments could never prove an obstacle in the way of its carrying out such an arrangement.

In offering these explanations, which he doubts not will appear satisfactory to Sir C. L. Wyke, the Undersigned, &c.

*Sir C. Wyke.*

LEON GUZMAN.

*(Inclosure 3.)—Decree.*

*Mexico; le 29 Mai, 1861.*

Le citoyen Benito Juarez, Président Intérimaire Constitutionnel des Etats-Unis Mexicains, à tous leurs habitants faisons savoir,

Que le Congrès Souverain de la nation a bien voulu décréter ce qui suit :

ART. I. L'Exécutif est autorisé à mettre en cours forcé des titres ("escrituras") de capitaux nationaux imposés sur immeubles ruraux et urbains, en quantité suffisante pour lui procurer le 1,000,000 piastres auquel se réfère le Décret du 20 du courant, avec un escompte pouvant s'élever jusqu'au deux pour cent mensuel.

II. Sont suspendus, pour une année, les paiements aux créanciers du Trésor National, à l'exception de celui de la conduite de Laguna Seca, et des Conventions Diplomatiques; pendant ce temps, le Congrès de l'Union rendra les lois de crédit public, de suppression des Douanes intérieures et "alcabalas," de réforme de tarif et d'établissement de la contribution directe.

III. L'Exécutif présentera une initiative d'arrangement pour la suspension des Conventions Diplomatiques, en rendant compte du résultat au Congrès pour son approbation.

IV. En dehors des exceptions qu'établit l'Article II, l'exécutif ne pourra faire d'autres paiements que ceux d'administration.

Donné dans la Salle des Séances du Congrès de l'Union, le 29 Mai, 1861.

JOSE MARIA AGUIRRE, *Député Président.*

GUILLERMO VALLE, *Député Secrétaire.*

E. ROBLES GIL, *Député Secrétaire.*

Pourquoi j'ordonne, &c.

*Palais du Gouvernement Fédéral à Mexico, le 29 Mai, 1861.*

*José Maria Castaños.*

BENITO JUAREZ.

(*Inclosure 4.*)—*Sir C. Wyke to Señor Guzman.*

SIR,

*Mexico, June 7, 1861.*

I HAVE the honour to acknowledge receipt of your Excellency's communication bearing yesterday's date, in reply to my despatch of the 8rd instant, in which I requested you to inform me why all mention of the Legation robbery had been omitted from that Article of the Decree of the 29th ultimo which specifies the exceptions that are to be made to the suspension of payment of all claims against the National Treasury for the space of 12 calendar months.

In the second paragraph of your above-named despatch, your Excellency informs me that the Decree of the 29th could not affect the case of the Legation robbery, and that consequently there was no necessity to mention the claim arising therefrom in the list of exceptions to the general rule of a suspension of payments; and yet, in the concluding sentence of the third paragraph, you inform me that if the means adopted for the liquidation of this claim should prove insufficient, that then the National Treasury would make up the deficit.

Seeing that this must eventually be the case, your Excellency will easily understand why I was anxious to obtain the assurance which you have now given me, that the payment shall be made out of the National Treasury, for the means you have hitherto adopted to repay the money stolen have not produced the desired result.

As I had the honour of stating to you in our recent conversation with reference to this matter, the prompt settlement of this claim equally affects the honour of both Governments, an opinion in which you fully concurred, at the same time assuring me that before the departure of the next European mail you would be able to prove to me the honourable intentions of your Government in doing all in their power to satisfy the just demands of that of Her Majesty.

Fully trusting in that assurance, I will no longer dwell upon a subject the importance of which is well known to your Excellency; indeed, I should not again have alluded to it, were it not for my

desire to prevent the possibility of any misunderstanding arising with reference to it. I avail, &c.

*Señor Guzman.*

C. LENNOX WYKE.

(*Inclosure 5.*)—*Señor Guzman to Sir C. Wyke.*

(Translation.)

*Mexico, June 12, 1861.*

WITH your Excellency's note of the 3rd instant, which the Undersigned had the honour of receiving on the 4th, the question raised by your Excellency about no exception having been made in the Decree of the 29th for the robbery committed by the rebels at the British Legation should have terminated. But, like your Excellency, the Undersigned is desirous of preventing any misunderstanding upon this point, and considers himself, therefore, under the necessity of explaining matters.

Now there is a palpable difference between asserting, as did the Undersigned, that, in the event of the Legation robbery not being covered by the property of the perpetrators thereof, the Mexican Government were under an obligation to treat about and arrange the reimbursement of the moneys taken, and positively affirming that under similar circumstances the deficiency would have to be covered by the National Treasury.

The Undersigned hinted, indeed, at the possibility of such a contingency, but he never did, nor could he say that it was a certainty; such a statement was out of the question, inasmuch as it is not possible to give a positive assurance about any matter which has to be treated of and settled, before the treatment and settlement shall have taken place.

With regard to the loyal intentions of the Mexican Government, of which the Undersigned has assured your Excellency—your Excellency at the same time being pleased to acknowledge them—the Undersigned can state that stringent orders have been given for expediting the judicial inquiries which have been instituted, so as to permit of the money stolen from the Legation being repaid by whatever property of the responsible parties has been or may be embargoed.

The Undersigned, &c.

*Sir C. Wyke.*

LEON GUZMAN.

(*Inclosure 6.*)—*Sir C. Wyke to Señor Guzman.*

SIR,

*Mexico, June 14, 1861.*

UNWILLING as I am to prolong a correspondence which I fear will lead to no practical result for some time to come, yet I cannot pass over in silence your Excellency's note of the 12th instant, written in reply to mine of the 7th, without at once protesting against the doctrine therein attempted to be established by inference, to the effect that the actual perpetrators of the Legation

outrage are alone responsible, in their persons and property. for the wrong done on the 17th of November last.

Now, according to every principle of international law having reference to cases in any way similar to the one in point, Her Majesty's Government is perfectly justified in holding the State of Mexico (I use the word in its largest sense) responsible for the insult done to their Legation, and the robbery of British property committed on that occasion, without in any way occupying themselves with the mere individuals who acquired so unfortunate a notoriety by a crime which it should have been the first duty of the present Government to punish and atone for.

It was an express stipulation on the part of Her Majesty's Government, before recognizing that of President Juarez, that this obligation should be complied with, and Mr. Mathew, late Her Majesty's Chargé d'Affaires, was so fully convinced of the sincerity of his Excellency's then Cabinet in this matter, that he at once proffered the recognition he had to offer, without waiting to see the accomplishment of a duty which was binding, in honour as well as justice, on the parties who had inherited the advantages as well as the responsibilities of their predecessors.

If Mr. Mathew's confidence has been misplaced, that can in no way affect the rights of Her Majesty's Government in this matter, which, as represented by me, I now again insist on, as well for the principle involved, as for the interests of the parties concerned.

When I had the honour of communicating verbally with your Excellency on this subject, I had hoped that you had clearly understood the view taken of this question by Her Majesty's Government, and the more so as, according to those principles of international law now universally acknowledged, there is only one way of looking at it.

I avail, &c.

*Señor Guzman.*

C. LENNOX WYKE.

(*Inclosure 7.*)—*Señor Guzman to Sir C. Wyke.*

(Translation.)

*National Palace, Mexico, June 15, 1861.*

THE Undersigned, &c., has the honour to address himself to his Excellency Sir Charles Lennox Wyke, &c., and to inform him, that, without insisting upon continuing the correspondence that his Excellency was pleased to commence, and which according to the declaration in his note of the 14th instant he does not desire to prolong, the Undersigned must take notice of the protest that his Excellency makes "against the doctrine which is attempted to be established by inference, to the effect that the actual perpetrators of the Legation outrage are alone responsible in their persons and property for the wrong done on the 17th of November last."

Without entering into a question which is irrelevant, and confining himself to his note of the 12th instant, the Undersigned finds himself compelled to explain matters by observing, that in his said note of the 12th no doctrines were laid down, but facts were recalled; facts consigned in an agreement concluded between the Agent accredited by the English Government and the Minister of Foreign Affairs of the Mexican Government.

The Government of the Undersigned is disposed to treat questions of right on the ground of justice and reason, but will not prejudice them, nor allow them to be prejudiced, by introducing them incidentally and out of their place, or contrary to established forms. Thus then, and without its being understood that the doctrines noted down by his Excellency are accepted or rejected, the Undersigned has the honour to assure him that in the matter of the Legation robbery he will be strictly bound by the agreement entered into by the representatives of both Governments, without discussing whether it be good or bad, inasmuch as the opportunity of so doing has passed.

The Undersigned hopes that his Excellency will do him the justice to admit that he cannot occupy himself in this note with the other questions that his Excellency introduces into this note, because if, upon this principle, we were to go on mixing up questions indiscriminately, their solution would become more and more intricate, and eventually impossible. If, on the contrary, we give to each one the independent place its nature requires, its solution will be as easy as it will be prompt.

The Undersigned, &c.

Sir C. Wyke.

LEON GUZMAN.

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(Inclosure 8.)—*Sir C. Wyke to Señor Guzman.*

SIR,

Mexico, June 18, 1861.

I HAVE the honour to acknowledge receipt of your Excellency's note of the 15th instant, a careful perusal of which leads me to infer that you think you have a right to complain of the tone of my communication of the 14th, to which it is a reply.

In that despatch I endeavoured, in terms as clear and concise as possible, to put the question which has given rise to the present correspondence in its proper light, and in doing so I conceive I was fulfilling a duty imperative on me to perform, as no possible misunderstanding as to the views of Her Majesty's Government with reference to this matter must arise, as far as it lies in my power to prevent it.

On the 17th of November last, an outrage was committed by the *de facto* Government of Mexico on the Legation of a friendly Power, which was not only a disgrace to its perpetrators, but a



direct act of felony on the subjects of that Power, and this crime up to the present moment remains unatoned for.

It is not by the vain promises of an agreement, never yet acted up to, that such a scandal can either be forgotten or forgiven, and therefore I should be deceiving you, were I not clearly to point out that Her Majesty's Government will hold the Republic of Mexico and its Government directly responsible for what is complained of.

In succeeding to the offices of your predecessors, you have inherited their responsibilities, and international law renders these as binding on you as if the last 8 years' civil war had never existed, and you had peaceably succeeded to the places of the former Administration. The continuance of the good relations now existing between our respective Governments renders the clear understanding of this principle absolutely necessary, and, therefore, no false delicacy shall prevent my insisting upon it, however ungracious it may appear on my part thus repeatedly urging it upon your Excellency's attention.

You inform me that no doctrine was laid down in your Excellency's note of the 12th, but that acts were therein recalled, "acts consigned in an agreement concluded between the accredited agents of our respective Governments."

I have looked in vain in that communication for the mention of any act of reparation, and have found only promises of redress to the effect that the personal property of the individuals who committed the outrages shall, if condemned by the legal authorities, be held liable to indemnify the losses sustained by British subjects on the occasion referred to.

Now, in the first place, the legal process which you mention, has, up to the present moment, resulted in absolutely nothing; and, in the second, had it even produced the full effects which you desired, the pecuniary resources thus obtained would have proved quite inadequate to cover the loss sustained, as it is notorious that the value of the united property of all the parties concerned in the Legation robbery would not exceed one-sixth part of the money stolen on that occasion.

Your Excellency informs me that your Government is disposed to treat questions of right on the grounds of justice and reason, but will not allow them to be prejudiced by being introduced incidentally and out of place, in violation of established form.

It is in complete accordance with the rule that you have thus laid down, that I now again call upon your Government to treat this grave question on the principles of justice and right, by adopting serious measures for repairing the wrong done, instead of repeating promises which have hitherto led to nothing, and which never can lead, as already pointed out, to anything but a partial

reparation of an insult and an injury to the nation which I have the honour to represent.

I see no use whatever in prolonging a correspondence on this subject, which must be treated according to the well-defined principles of international law, and not according to the partial wishes of one of the parties interested in it.

Having thus placed you in possession of the views of Her Majesty's Government with reference to this question, I avail, &c.  
*Señor Guzman.* C. LENNOX WYKE.

*No. 11.—Sir C. Wyke to Lord J. Russell.—(Received July 29.)*

MY LORD,

*Mexico, June 24, 1861.*

ON the recognition of the Jaurez Government by Mr. Mathew it was agreed on with them that the remainder of the money due from the robbery of the "Laguna Seca" conducta should be repaid within 4 months from the date of such recognition.

The term having expired on the 11th instant, I then addressed a note to Señor Guzman on the subject, copy of which I have herewith the honour to inclose, together with the translation of his Excellency's reply, by which your Lordship will perceive that the difficulty of the situation and the penury of the Treasury are urged as excuses for not fulfilling their engagement by the payment in specie of the debt owing. Such being the case he offers compensation in the shape of convents, farms recently belonging to the Church, or even the National Palace itself; and if these should not suffice, his Excellency proposes that each individual claim shall be admitted to the full amount in payment of duties on any future importations made by any of the parties having such claims. Nothing can apparently be fairer than such a proposal, but to anybody actually on the spot its unsatisfactory nature is at once apparent for the following reasons:

Were this Government to be upset and the Church party to return to power, any such grants as those above-named would at once be repudiated; and the remission of duties, which is the most plausible of the proposals made, might at any moment be set aside by a Decree founded on the urgent necessities of the Government, for ready money to carry on their current expenses.

On my communicating a copy of Señor Guzman's note of the 12th, through Consul Glennie, to the parties interested, they after due consideration refused the offer made on these grounds; at the same time saying that what they wanted was ready money to meet the engagements which had devolved on them in consequence of the robbery of the "Laguna Seca" conducta, which refusal I conveyed to Señor Guzman in a note dated the 22nd instant, copy of which I have now the honour to inclose.

Knowing the utter impossibility of obtaining ready money from a Government which is actually penniless, I recommended the parties interested not to refuse listening to any further proposals that the Mexican Commissioners might have to make them, and they in compliance with my recommendation have accordingly named two members of their body to represent them in the Conference now about to take place with reference to this matter. Thus stands the case at present, and I fear that in this instance also the interests of British subjects will again be sacrificed to the reckless folly and bad faith of this Government.

I have, &c.

Lord J. Russell.

C. LENNOX WYKE.

(Inclosure 1.)—*Sir C. Wyke to Señor Guzman.*

SIR,

Mexico, June 11, 1861.

A FEW days ago I had the honour of explaining to your Excellency the present position of what is generally known as the "Laguna Seca" conducta claim, and as on that occasion I gathered from your Excellency's remarks that the Mexican Government considered itself bound to carry out in all sincerity the arrangements for repayment laid down in Señor Zarco's note to Mr. Mathew of the 12th of February last, I request your Excellency to inform me, at your earliest convenience, to whom the sufferers by the above named robbery are to apply, at the ports of Vera Cruz and Tampico, for the sum of money forcibly taken from them by Señor Degollado at Laguna Seca.

This sum, as I believe your Excellency is aware, amounts with interest to 285,569 dollars 38 cents, and I may further add that every British subject interested in the question is furnished with, and ready to produce, the documents necessary to prove the legitimacy of his particular reclamation. I avail, &c.

Señor Guzman.

C. LENNOX WYKE.

(Inclosure 2.)—*Señor Guzman to Sir C. Wyke.*

(Translation.)

Mexico, June 12, 1861.

THE Undersigned, &c., has the honour to reply to the note of his Excellency Sir C. Lennox Wyke, &c., under date of yesterday, and to inform him that the Government of Mexico always has been and ever will be ready to fulfil its engagements with British subjects. This is more especially the case with respect to the funds seized by General Degollado at Laguna Seca, so much so that even when the Government was compelled to make a general suspension of payments care was taken not to include therein the funds in question.

The Government has spared no effort to get together sufficient moneys for meeting the debt, the payment of which, with the fullest intention of acting up to their engagements, they had fixed for the 11th instant. The difficulties, however, of the moment, combined with the penury of the Treasury—facts which are now publicly notorious, and have doubtless come to the knowledge of your Excellency—have rendered of no avail the efforts of Government, and frustrated their best intentions; still good security has been given, and no small portion of the Laguna Seca credits taken as cash-payments.

Thus, then, the Undersigned is under the painful necessity of informing your Excellency that it will be quite impossible for the Government to fulfil at the specified time their engagements in the matter of Laguna Seca, and they are consequently placed in the painful position of having to enter into some fresh arrangement with the parties interested therein.

If the financial crisis was of less import—if the Government could count upon their actual resources being sufficient to cover even a portion of their most pressing liabilities, they would assign part of those resources for the settlement of the above preferential claim. Owing, however, to the extreme scarcity of money, and to the certainty that for the moment cash payments are quite out of the question, they prefer avowing honestly their actual position to hazarding some new promise, which they would find themselves under the painful necessity of breaking.

The Government recognizes the just rights of the creditors, and are resolved upon making every possible sacrifice in order to satisfy them. Government can dispose of convents and other valuable property. These, and even the National Palace, are at the creditors' disposal; they may take their choice, and whatever they select shall at once be consigned to them at an equitable and conventional price.

These same creditors, moreover, can count upon their credits being admitted as cash in any transactions, whether on account of duties or otherwise, which they have with Government.

In order satisfactorily to arrange their business Mr. Deputy Mata and Señor Zarco have been appointed Commissioners to treat with the parties interested, who on their part may likewise talk over the matter with those gentlemen, and make whatever propositions they may deem suitable, always remembering that the Government will leave nothing undone to bring the question at issue to an amicable and successful termination.

The Undersigned, &c.

*Sir O. Wyke.*

LEON GUZMAN.

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(*Inclosure 8.*)—*Sir O. Wyke to Señor Guzman.*

SIR,

*Mexico, June 22, 1861.*

ON the receipt of your Excellency's note of the 12th instant I communicated a copy of it to those persons directly interested in the question to which it referred.

It was only yesterday that I was made acquainted with their views on the subject, which I will now put you in possession of as briefly as possible. They naturally cannot accept the plea of poverty put forward to excuse the non-payment of so sacred an obligation as that contracted by the Mexican Government with Her Majesty's late Chargé d'Affaires on the occasion of that Government receiving the formal recognition of Great Britain, when the repayment within the space of 4 months of the money belonging to British subjects that had been stolen from the conducta of the Laguna Seca was one of the express conditions on which that recognition depended. Since that engagement was entered into several millions of hard dollars have passed through the hands of the Mexican Government, so that they cannot with anything like reason plead their poverty as an excuse for not having provided the funds necessary to meet the demand now brought against them.

It is clear that as specie was stolen, money should be repaid, for it is with currency alone, or good bills to the same amount, that the engagements of the sufferers in this affair can be duly met. Farms, convents, or even the National Palace itself, may be valuable property in its way, and yet not at all suit the wants of those who, as in the present instance, would not be able to convert it into ready money for their immediate necessities.

For these reasons the parties interested cannot accept the offer of indemnification made to them in your Excellency's letter to me above-mentioned, and must hold the Mexican Government responsible for all loss and prejudice accruing to them through that Government failing to repay the money owing within the time specified.

As, however, it would not be courteous absolutely to refuse the offer made in your Excellency's letter of the 12th, I have recommended the parties interested to name two amongst their number to wait on the Commissioners appointed by your Excellency, in order to learn from those gentlemen what further steps the Mexican Government intends taking with a view of satisfying this pending claim against them.

I have just learnt that Mr. Whitehead and Mr. Watson have been appointed by the English merchants to confer with your Commissioners, Don José M. Mata and Don Francisco Zarco, and I trust that, in the conferences about to be held between them, some means may be found for protecting the interests, and at the same

time satisfying the just demands, of those persons in whose name I have had the honour to address you. I avail, &c.

*Señor Guzman.*

C. LENNOX WYKE

*No. 12.—Sir C. Wyke to Lord J. Russell.—(Received July 29.)*  
(Extract.) *Mexico, June 25, 1861.*

A PERUSAL of my preceding dispatches and their inclosures will prove to your Lordship that no further reliance can be placed on the promises or even the formal engagements of the Mexican Government.

If the old Church party succeeds in driving from power the present ultra-Liberal Administration, we shall then be even still worse off, as will be seen by the inclosed copy of a decree recently sent to me by ex-President Zuloaga, who, with his Lieutenant Marquez, is at the head of a considerable armed force, which, after twice defeating the Government troops, is at this very moment attacking the gates of the city of Mexico.

It will thus be seen, that with the contending parties we have not a chance of obtaining justice from either as long as we confine ourselves to remonstrating instead of employing coercion.

Under such circumstances, it appears to me that only two courses are open to us, viz., either to withdraw the mission altogether from a country where its dignity is compromised, and where consequently it has become useless, or else to support its influence by such means as will compel obedience to our just demands, and obtain that redress for the wrongs and grievances of British subjects which they are lawfully entitled to claim.

There is but one way of obtaining such redress, and that is, by employing Her Majesty's naval forces simultaneously at the ports on both coasts of this Republic, when the moral effect produced would equal the material pressure, and ensure prompt compliance with any conditions which we might choose to impose.

Captain Aldham, who during the last three years has gained a very clear insight into the Mexican character, and the manner of evading their engagements so peculiar to their officials, is of opinion that the time for leniency is past, and that if we mean to protect the lives and properties of British subjects, coercive measures must now be employed.

Before he left the station I consulted with him upon the best means of using such coercion should it become inevitable, and I will now convey his views to your Lordship in as few words as possible.

He thinks that a blockade is not advisable, on account of the large force that would be required for that purpose on so extensive a line of coast, to say nothing of the commercial difficulties to which it would give rise, besides the fact that by so blockading we should

actually be robbing ourselves of the percentage on the duties levied at Vera Cruz and Tampico.

This plan, then, presenting so many objections, Captain Aldham is of opinion that the next best thing to be done is to take possession of the Custom-houses of Vera Cruz, Tampico, and Matamoros, on the Atlantic, and of either Acapulco, Mazatlan, or San Blas, on the Pacific; to lower the duties on all goods landed at those places; and to pay ourselves by the percentage to which we are entitled, but which we now never obtain, owing to the rascality of the Mexican authorities, who either suspend payment altogether, or only give us one-fifth of what we ought to receive. Reducing the Tariff would naturally largely increase the importations, and thus enable us rapidly to pay off long arrears of what is now owing to us, and which we shall never obtain without some measure of this sort being adopted.

It may be urged against this plan, that the Mexican Government would place a line of interior Custom-Houses for levying other duties, and thus partially defeat the object we have in view. But this objection is easily set aside by anybody really knowing the country, as the badly paid and venal officers serving on this second line would not be able to resist the temptations which the importers at the ports who had paid only a low entrance duty would know how to throw in their way; besides, the Mexican traders themselves would not allow such an impost to be levied, and would, for their own interests, force the goods into the interior, when by their sale they would realize large profits.

In order to take and hold these places, Captain Aldham considers that a squadron of from 6 to 10 vessels of war should be employed; some of these should be of the frigate class, and others gun-boats, drawing not more than from 7 to 8 feet of water.

Vera Cruz and Tampico are the most important places on the Atlantic, owing to their trade and the specie shipped there, and these are the only places on either coast which would, in Captain Aldham's opinion, require any force to take possession of. Two frigates at the anchorage, and a garrison of 800 men for the Castle of San Juan de Ulloa, would be sufficient to hold the former town, it being completely commanded by the Castle, which is roomy and airy, and not unfitted, Captain Aldham says, for a British garrison.

Tampico lies some 7 miles up the river, which has seldom more than 6 to 10 feet of water on the bar. There would be no difficulty in taking the place, and a garrison of from 100 to 200 men, with one or two gun-boats, he thinks enough to hold it.

On the Pacific coast, Acapulco is probably the most important place for trade; Mazatlan comes next, and then San Blas.

The former has a good anchorage, but its climate is unhealthy.



Mazatlan could easily be garrisoned by a small force, and there is high ground overlooking the town already fortified.

San Blas is an open roadstead, and unsafe in the rainy season ; it is of importance from its trade, and the specie shipped there.

For the object we have in view, I think taking one or two of those places quite sufficient, and the naval officer in command on that coast could use his discretion as to which of them he should occupy.

Should Her Majesty's Government adopt a course which I am convinced will prevent all future difficulties with Mexico, the sooner measures are taken for carrying this plan into execution the better, for the sake of putting a stop to an accumulation of grievances and claims which will go on increasing until this Government is taught that it cannot set every principle of justice at defiance with impunity.

The French have only a small debt of 190,000 dollars to recover, which is being chiefly paid off by 25 per cent. of the import duties levied at Vera Cruz on cargoes brought in French ships. The Spanish claim 8 per cent. on all import duties for some claim of theirs which is in suspense, and therefore the interest thereon is not paid. Besides this they have what is known as the Padre Moran claim of 825,000 dollars, which receives about a sixth of the sum assigned to the British Convention.

I mention these obligations to foreign Governments because they would gladly see our occupation of these ports, from a knowledge that under our administration justice would be awarded to all, and that the money thus collected would be fairly distributed amongst the various claimants.

From the moment that we show our determination no longer to suffer British subjects to be robbed and murdered with impunity, we shall be respected, and every rational Mexican will approve of a measure which they themselves are the first to say is necessary, in order to put a stop to the excesses daily and hourly committed under a Government as corrupt as it is powerless to maintain order, or cause its own laws to be executed.

*Lord J. Russell.*

C. LENNOX WYKE.

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(*Inclosure.*)—*Decree.*

(Translation.)

*Tepeji del Rio, June 4, 1861.*

FELIX ZULOAGA, General of Brigade and President *ad interim* of the Mexican Republic, to its inhabitants. Be it known—

That in virtue of the full powers with which I am invested, I have been pleased to decree the following :

ART. I. The party in Mexico that at present assumes the title of Government, not possessing any character of legality, all its acts

are null and void, and for the same reason the Government of Tacubaya does not recognize any engagements that may be entered into with the Government that has intruded itself into power.

II. Every individual who shall lend to the faction denominated "Constitutional" any sort of help, whether as a loan or in any other manner, shall pay afterwards to the Government of Tacubaya double the quantity that he may have furnished, and will remain subject to the penalties which he may have incurred, as settled by the law, as an enemy of his country.

III. All foreigners, of whatever nationality they may be, are included in the preceding Articles.

Given at head-quarters, at Tepeji del Rio, this 4th of June, 1861.

*Don Antonio Andrade.*

FELIX ZULOAGA.

*Tepeji del Rio, June 4, 1861.*

I have the honour to communicate the above to your Excellency for your information, and for the due fulfilment of the same.

God and order !

J. ANTO. ANDRADE.

*No. 13.—Sir O. Wyke to Lord J. Russell.—(Received July 29.)*  
 MY LORD, *Mexico, June 27, 1861.*

ALTHOUGH the inclosed extract from this day's "Mexican Extraordinary" gives an account of the outrages perpetrated on British subjects which is not accurate in all its details, I still think it worthy of your Lordship's notice, as showing at a glance the amount of wrong done, which still remains to be atoned for.

The list is unfortunately by no means complete, but I forward it as it is, in order that your Lordship may form an idea of the indignation felt by the English community in Mexico at being subjected to such brutality, without ever obtaining redress from the successive Governments of this Republic, each of which invariably asserts that it is not responsible for the acts of its predecessor.

I have, &c.

*Lord J. Russell.*

C. LENNOX WYKE.

*(Inclosure.)—Extract from the "Mexican Extraordinary" of June 27, 1861.*

FOREIGN INTERESTS IN MEXICO.—No. 2.

*British Claims of the Small and most Distressing Class.*

ON the 25th of last month we referred at some length to the condition of British interests in Mexico. We now resume the subject, and shall notice on this occasion a portion of the most flagrant outrages which have been perpetrated upon British residents,

leaving for another occasion the publication of more, and our own lengthened remarks. The robbery of the Legation and the various "conductas" are subjects fresh in the memory of every one; and as these outrages affect the interests of the wealthy and influential, they are likely to absorb that attention which should, we submit, be shared by the humbler sufferer. Our mission is to lay facts before the world, and thus to excite action, and it little matters whether it be from motives of duty or from shame, so long as our proper protectors are made to move. In continuation we give a brief notice of some of the objects of our present article:

*Mr. Bodmer's Case.*—This gentleman, who was Her Majesty's Vice-Consul at Tasco, was shot in the balcony of his house whilst endeavouring to save an unfortunate Mexican from ill-treatment at the hands of some of Vicario's troops, who had made a sudden irruption into the town. Mr. Bodmer was a man universally respected; upon three several occasions had he saved the city of Tasco from being sacked by one or other of the contending parties. He held a very lucrative appointment in the mine of the Pedregal, and has left a widow and 3 children totally unprovided for.

*Mr. Burnand's Case.*—This gentleman was the first to establish a manufactory of glass in this country.

In the year 1852 he erected on some property, situated about 5 leagues from the city of Mexico, a manufactory on a very considerable scale, and had just got it into working order, when the whole of the premises were arbitrarily taken possession of by Santa Anna, and it was not until the end of 1856, when Comonfort came to the head of affairs that the property was restored to him, but in so dilapidated and ruined a condition that it was two years before he could place the factory in a proper state to resume operations. In March, 1860, the factory was attacked by a portion of the Liberal forces, and sacked; and on the 2nd of April of the same year, another body of men belonging to the same party entered the premises at night, attacked Mr. Burnand, inflicted on him 16 sabre cuts, broke three of his ribs, left him for dead, and effectually destroyed all that had been spared by their predecessors. The life of Mr. Burnand was for a long time despaired of, his left arm had to be amputated, and he is now a man wreck. The shock was so great that his poor wife lost her senses, and his oldest daughter has now since been subject to epileptic fits. From being a man of considerable property, Mr. Burnand has been reduced almost to a state of starvation. Maimed, mutilated, and reduced in health, it is no longer in his power by his own exertion to provide for his unfortunate family, and all that he has to look to is the reparation that may be exacted from the Mexican nation for these repeated and fearful outrages. Should this case fall under the observation of

Her Majesty's Ministers, as it will, surely immediate steps will be taken to relieve this gentleman and his family from the utter state of destitution into which they have been plunged.

*Dr. Duval's Case.*—Dr. Duval was an Englishman, born at Kensington, near London. When the Constitutional forces entered Tacubaya, on the 22nd of March, 1859, he was at the head of the Medical Staff, a position he retained until the day of his death. On the 11th of April Marquez entered Tacubaya at the head of the reactionary forces, and, in taking possession of the hospital of San Diego, promised most solemnly that the lives of the sick and wounded, as well as those of the medical men, were safe. At half-past 7 o'clock of the same evening, however, in spite of this assurance, and in violation of the ordinary laws of civilized warfare, Dr. Duval, in company with 7 other medical men, was taken out and shot. He was not allowed to communicate with any of his countrymen, and it was not until the following morning that this monstrous murder became generally known. Notwithstanding the most strenuous efforts made by the Miramon Government, with the connivance of Mr. Otway, to justify this horrid proceeding, so damning was the evidence that the British Government could do no otherwise than insist upon some pecuniary compensation for the widow and child of their murdered citizen.

The amount fixed was 25,000 dollars, but no steps were taken to exact this sum from the murderers during their continuance in power, nor has the same, as far as we can learn, been paid.

*Mr. Newall's Case.*—Mr. Newall, an inhabitant of Zacatecas, a member of one of the oldest and most respected firms in the country, as agent for Mr. Davis, of San Luis Potosi, received the sum of 15,950 dollars, and gave the usual receipt. This receipt fell into the hands of Marquez, who sent for Mr. Newall, and required of him, at once, to hand over the money. Mr. Newall replied that it was impossible for him to do so, as the money was not his. The General then called in a guard, and said, "Take this man, put him in "capilla" (the place assigned to criminals for the few hours previous to their execution), and without further orders shoot him to-morrow morning before 6 o'clock." Mr. Newall was marched off, thrown into "capilla," and would, no doubt, have been shot, had not some of his friends raised the money amongst themselves, and paying it into the hands of Marquez, obtained his release.

The English Government showed their appreciation of the conduct of a citizen, who, at the risk of his life, refused to betray a trust reposed in him by another, by awarding him the very magnificent sum of 500*l.*, the estimated value of a British merchant's life in Mexico.

*Mr. Pitman's Case.*—Mr. Pitman, of the firm of Simpson and

Pitman, of San Luis Potosi, was imprisoned and made to pay the sum of 5,100 dollars, under the following circumstances :

When the Constitutional forces were in possession of San Luis, Mr. Pitman, in the usual course of business, upon the admission of goods, paid the duties to the properly constituted authorities. Subsequently Miramon, the leader of the Church faction, took possession of the town, and he demanded the payment over again of the same duties. Mr. Pitman, for refusing this exaction, was thrown into prison, and would have been marched off as a common soldier, had he not, to avoid the latter alternative, paid the amount.

*Mr. Davis' Case.*—This gentleman, in June, 1858, was assessed at 2,000 dollars in a forced loan, imposed upon the merchants of San Luis Potosi by General Miramon. This amount he refused to pay, as contrary to existing Treaties. He was seized by Miramon, thrown into prison, subsequently marched off as a common soldier with the troops sent against the opposite faction, and only rescued by a friend who paid the 2,000 dollars, and obtained his release.

*Cases of Messrs. Whitehead and Potts.*—These gentlemen were both banished from the country for expressing their horror at the atrocities that followed the massacre at Tacubaya on the 11th April, 1859.

Application was made to Mr. Otway in writing, pointing out to him the imminent peril to which Englishmen were exposed if abandoned to the unbridled and savage will of Miramon and Marquez, who, without even a form of trial, slaughtered so many innocent victims at Tacubaya, and in cold blood, rather more than two years ago. Amongst the murdered men was Dr. Duval, an English surgeon, who with other medical men was dragged from the bedside of the wounded, while amputating the shattered limbs and stanching the gushing arteries of numbers of poor creatures, who, from want of assistance, perished during that memorable and dreadful night. Lamentation brought them no aid. Marquez and Miramon had murdered the only ones who could give them comfort, and they bled to death !

Another English victim was, at the same time, waiting the moment of execution. George Selly, a peaceable resident of Tacubaya, was seized and forced from his house, and, as poor Dr. Duval, without trial or inquiry, was taken out to be shot, but was miraculously saved by the timely interference of a Mexican officer, who met him on his way to the place of execution.

As has been already mentioned, a brief statement of these horrors, signed by almost every Englishman here, was laid before Mr. Otway, imploring him to use his influence to check these cruelties, and asking protection for Englishmen from the grasp of these sanguinary men ; and, strange as it may seem, this document, by

means better known than explained, made its appearance in the palace, where it was translated and published in pamphlet form, and the Miramon Government accused the signers of having published it.

The consequence of this was that orders were issued for the immediate banishment of 5 of those whose signatures appeared on the petition, Messrs. Potts and Whitehead being of the number.

Remonstrances and repeated denials on their part to Mr. Otway of all knowledge or complicity in the affair were unavailing; so, to satisfy the wishes and assist a zealous partizan in carrying out his treacherous designs against those he was paid to protect, the order was enforced, and these gentlemen left the country and laid their cases before Lord John Russell, who, on becoming acquainted with the outrage, demanded the withdrawal of the passports and fair indemnities.

The amounts of these reclamations have been fixed in both cases in accordance with instructions from home, and demands have been made upon the Mexican Government, and even payment promised; but as these demands have not been insisted upon, the subject has remained where it was a year ago—whilst millions of dollars have been allowed to find their way into the pockets of people to whom the nation owed nothing. Those whose interests have been almost ruined by violence and plunder meet with but indifference and neglect.

*Mr. Jones' Claim.*—In the year 1826, Mr. R. Lancaster Jones was Secretary to Her Britannic Majesty's Consul-General in Mexico.

On the solicitation of the Governor of the State of Jalisco, and according to the popular spirit of the day in England, he went to Guadalajara, and established a school on the Lancasterian system.

The Mexican Government, permanently to secure his services, guaranteed him a fixed salary of 2,000 dollars a year.

From 1826 to 1834 this salary was paid, but in the latter year Mr. Jones was turned out of his employment without any pretext, and left destitute.

The case was brought under the notice of the British Legation, and in the year 1852 an arrangement was come to by which the Mexican Government acknowledged the justice of the case, and their indebtedness to Mr. Jones in 28,800 dollars.

Not one dollar of this sum was ever paid to Mr. Jones, who died some years back in very distressed circumstances. The amount, with interest, is now claimed by the widow and children.

A more cruel case it is almost impossible to conceive. A man holding an honourable and lucrative employment was, from purely philanthropic motives, induced to give it up, upon the promise of an

annuity of 2,000 dollars a-year. After the interval of 8 years, the annuity is withheld, and the man and his family are left in absolute want. The robbery of a "conducta" may be a more striking event, and may more internally affect the interests of British merchants; but can it be a comparison in point of hardship with the case of Mr. Jones? And yet, forsooth, this injured man and his family have been allowed to drag through 26 years of suffering, and up to the present moment no steps have been taken by our Government to compel the payment of a sum which the Mexican Government, in a settlement with Her Majesty's Legation, have themselves admitted to be due.

*George Selly.*—Was residing in Tacubaya at the time the Constitutional forces retired on the 11th April, 1859. About 12 o'clock on that day, whilst at breakfast with his wife and child, was seized in his own house and conducted to San Diego, and there confined with Duval and the other victims of the famed massacre, whose fate he providentially escaped. He was kept there until the middle of the next day, and then led in triumph, at the head of the prisoners, through the streets of Mexico; was then taken to the citadel, locked up in a filthy dungeon, and there kept until the following day, when he was led out in company with two others and marched to Tacubaya to be shot, and providentially saved by the interference of a Mexican General, who met him on his way and who prevailed upon the officer in command to defer the execution, which gave time for the interference of Mr. Otway to take steps.

The pretext for this barbarous treatment was that George Selly had mixed himself up with the Liberal party: this was disproved by the evidence of 22 of the most respectable inhabitants of Tacubaya; and the utmost that could be laid to his charge was, that during the continuance of the Liberal forces in Tacubaya, he, as a means of livelihood, supplied the mess of 4 of the officers. After much delay, from the unrighteous opposition of Mr. Otway, his Government, more than a year back, declared that "Selly's entire innocence had been amply vindicated, and had established his claim to be compensated for the indignities to which he has been exposed."

For this fearful outrage a sum of 2,500 dollars has, it is said, been asked as compensation; but no steps taken to enforce payment. Selly is a poor man.

*The case of Mr. Lynch.*—On the 11th June, 1858, General Miramon, commanding the Reactionary forces at San Luis Potosi, imposed a forced loan upon the merchants of that town.

Mr. Pitman, an English merchant residing in that town, was assessed at 10,000 dollars, and required to pay the amount before night of the same day (11th June), on pain of imprisonment. The



assessment in this case appears to have been excessive, as firms possessing larger capitals had been assessed in much smaller sums. Mr. Pitman called upon the General to remonstrate with him upon these arbitrary proceedings, but was unable to see him; he was, however, informed by others, that it was Miramon's determination to carry out the loan, and that all who refused to pay, natives or foreigners, would be marched off as common soldiers with the troops about to leave that night. Mr. Pitman then applied to Mr. Chabot, the English Consul, but all that gentleman's exertions on his behalf proved unavailing.

Mr. Pitman and his lady, fearing personal violence, took up their residence in Mr. Chabot's house, leaving his establishment in charge of Mr. Lynch, his confidential clerk, never for one moment supposing that any outrage would be committed against this latter gentleman.

At 6 o'clock, however, of the following morning, the house was entered by order of Miramon; Mr. Lynch was taken to prison, and would have been marched off as a common soldier, had not Mr. Pitman requested Mr. Chabot to pay 6,000 dollars, the amount to which the assessment had been reduced, and so obtained his release.

*Case of Mr. R. J. Perry.*—On the 18th October, 1858, this gentleman was arbitrarily arrested and thrown into prison by General Zuloaga (then President of the capital), and kept in close confinement for several days, without being allowed to communicate with his Consul, friends, or counsel. He was detained in prison and under arrest 28 days, without being brought to trial, or any charge or accusation being made against him; without being consigned to any judge, or any declaration taken from him, and even without being informed of the cause of his arrest; and finally, he was expelled the country at a few hours' notice, without being accused of any crime or misdemeanour.

The consequence was, that he was suddenly obliged to close, settle, and wind up, at any sacrifice, or abandon all his accounts and business transactions to a considerable magnitude he had pending in this country, after a continued residence in it for nearly 18 years. Those outrageous proceedings have caused his total ruin, and he now finds himself, after having spent the best years of his life in acquiring, by his honest industry, comparative affluence, reduced to want and ruin.

On his arrival in England, he applied to the British Government for protection and redress, and after overcoming innumerable difficulties, has lately returned to this country, under authority, and at the suggestion of the Foreign Office, with the view of prosecuting his claim there, but as yet has done so without any result.

The alleged pretext for his prosecution was his supposed sympathy with the party now in power, the real motive or cause, as is well known here, being private matters of too delicate a nature to be made the subject of our comment.

*Mr. Worrall's case.*—Mr. Worrall was assessed for a forced loan, and on applying at the Legation for advice, was shown by Mr. Otway a despatch from Lord Malmesbury, which recommends British subjects to pay such forced loans under protest and on compulsion. In consequence of having made this protest, Mr. Worrall was arrested a few days afterwards in the public streets of Mexico by Lagarde, and sent off to Vera Cruz next morning, having thus to abandon heavy private interests in this country.

On submitting his claim for indemnity at the Foreign Office, Lord Malmesbury wrote him, stating "that there was no justification for the conduct of the Mexican Government in your case, and that it was his Lordship's intention to instruct Her Majesty's Minister in Mexico to require that you shall be properly compensated for the treatment you have undergone, and the losses you have sustained."

Although a Convention was signed by Mr. Otway in March, 1859, assigning Mr. Worrall an indemnity, and although this Government even directed Mr. Worrall, through the Foreign Office, to apply to Messrs. Barings for its amount, yet no money was remitted, and up to the present moment not a dollar has been paid.

Very little encouragement is given to British subjects standing up for Treaty rights, if the present case is a fair instance of home protection.

*Claim of Messrs. Bates, Jamison, and Co.*—This claim is now represented by Messrs. Bates, Barton, and Co., of the city of Mexico, and is for a sum of 8,815 dollars and 2 cents, the unpaid balance of a Government order for 98,000 dollars for import duties illegally exacted. The interest has only been calculated up to the month of April, 1859.

*Mr. Charles B. Lambley.*—Plunder of his house, on two separate occasions, by soldiers under the command of chiefs of the Constitutional party.

*Mr. Thomas Gillow.*—Repeated embargoes of waggons, mules, and horses, for the transport of cannon and military stores. As this claimant farms a very considerable estate, it is unnecessary to point out how serious must have been all consequential damages, in addition to those of the mere embargo.

*Mr. John Innes.*—Plunder of his store at Ejutla, in the department of Oajaca, by soldiers of the Central Government party, under the command of Cobos. There are a number more claims of the

same character preferred by Englishmen resident in Oajaca, of which we have not yet received full details.

*Mr. Daniel Owen.*—Plunder of his goods by soldiers of the Central Government, under the command of General Echeagaray, on the 17th April, 1858.

*Mr. John Sumner.*—Plunder of his house at Talpam, on the 17th October, 1858, by a party of soldiers under the command of the Constitutional Chief, Don Ignacio Delgado.

*Mr. Thos. Fuller.*—Embargo by General Pueblita in November, 1856, of waggons, mules, and effects, belonging to Mr. Fuller's extensive carrying establishment, thereby disabling him from fulfilling a contract with the Real del Monte Mining Company, for carrying ore from that Company's mines at Pachuca to their ore depôt at Real del Monte. The loss of this contract, in itself a most profitable one, is attested by the certificate of the Director of the Real del Monte Company. It entailed upon Mr. Fuller very heavy additional expenses, as he had to maintain upwards of 100 pack-mules without work. Subsequently he was compelled to break up a very profitable carrying business, and sell the mules he was unable to maintain, in consequence of the loss of his contract, for a little more than half their original cost. In fact, this cruel outrage created such an embarrassment in the affairs of Mr. Fuller, as to bring him to the verge of ruin, from which he has not recovered, and for which his claim will be very insufficient compensation.

*Mr. William Hooper.*—Plunder of effects, consisting of wearing apparel, books, papers, accounts, and mathematical and other scientific instruments, by a body of revolutionary troops during the sacking of the city of Culiacan, Department of Sinaloa, in the month of March, 1852, as attested by the judge of that city, Don Eustaquio Buelua, in a judicial document under date of 10th March, 1856.

*Mr. Elliot Turnbull.*—This claim originated in the forcible entry of a large body of troops into Turnbull's hacienda, about 10 miles from the city of Puebla, in the month of May, 1858, and of robberies and destruction of property committed by them. Mr. Turnbull was especially recommended by Her Majesty's Ministers to obtain the necessary proofs. These proofs are now in his possession, and consist of sworn declarations of several witnesses to the act, taken before the judge of the district.

*Extra Duties Illegally Exacted.*

		<i>Dollars.</i>	<i>Cents.</i>
Messrs. Graham, Geaves and Co. . . . .	.. ..	10,623	74
„ Bates, Barton and Co. . . . .	.. ..	4,929	87
„ Watermeyer, Kauffman and Co. . . . .	.. ..	5,545	22
„ J. J. Schmidt and Co. . . . .	.. ..	5,246	82

These claims originated in the following manner:—By a sudden and unexpected Decree issued by the General Government on the 31st of May, 1858, an extra 10 per cent. “international” duty, and 20 per cent. import duty, were imposed on all goods coming from Vera Cruz. This imposition, contrary to the express stipulations of the existing tariff, was at once most energetically protested against by Her Majesty’s Minister. The decree, although not repealed, was never again acted upon by the Mexican Government—a clear admission of its illegality.

The number of instances in which foreign Governments have demanded and compelled restitution of sums thus illegally exacted, are too well known to require enumeration, and it is unnecessary for us to point out how impossible it would be to carry out successfully any commercial transactions under a system of tariff at any moment admitting of sudden and arbitrary changes by the Mexican Government, or the illegality of their act: the sums exacted during the temporary operation of the decree still remain unpaid.

These sums, requiring no further proof or verification than the production of Custom-House receipts, ought, we submit, to be considered as admitted claims.

*Matamoros Fire Claim.*—This is a claim for goods destroyed by fire at Matamoros, in October, 1851. The goods were warehoused in a house occupied by the Government forces under General Avalos. The town was suddenly attacked by Carbajal, at the head of the rebel forces. The block of houses in which the goods were placed formed a prominent point in the line of defence, and was fortified and held by a portion of the Government troops. It was subsequently set fire to by the rebels, and the whole of the goods were destroyed. No notice was given by General Avalos of his intention to fortify the block, nor was any time given or opportunity afforded for the removal of the goods. A certificate of General Avalos proves the occupation and fortification of the premises for the purposes of defence, and their destruction by fire.

No valid objection has ever been raised by the Mexican Government to this claim, and their liability to make good the losses inflicted upon the losers, Messrs. Bates, Jamison and Co., under such circumstances, cannot admit of a doubt. The principle has been so clearly laid down in numberless cases, that to hold a different doctrine would be subversive of the very first principles of international law. To admit of a different principle in a country like Mexico, ever torn by internecine strife, would be to place the property of neutrals unconditionally at the mercy of military Chiefs. The Decree issued by President Juarez upon the occasion of the bombardment of Vera Cruz by General Miramon, in the month of April last year, providing for the indemnification of neutrals whose

property had suffered by that bombardment, places the question beyond dispute. The subject has been frequently urged upon the consideration of the Mexican Government, but hitherto without results.

The claim now put forward by Messrs. Bates, Barton and Co., as successors to Bates, Jamison and Co., is for—

	<i>Dollars. Cents.</i>	
226 packages of merchandize destroyed under the circumstances above detailed, of the value of .. .. .	37,144	04
And interest at 6 per cent., to April, 1859	20,389	07
	<hr/>	
Total .. ..	57,524	11

The foregoing list of claims against the Mexican nation, although it does not contain all, presents such a frightful catalogue of murder, spoliation, and robbery, that except it was vouched for on the most solemn and truest grounds, would be scarcely credited. Scarcely credited, indeed, as having happened in a so-called civilized country against the subjects of a friendly nation; and yet this catalogue of outrage is still very incomplete, for many individuals, such as Staines, Egerton, Gibson, and others, have lost their lives by attacks in the streets, in their dwelling-houses, and on the public roads.

Justice has, indeed, here iron hands and leaden feet, but they are never lifted in favour of the defenceless foreigner; some little show of inquiry, a constant and incessant persecution of witnesses, and never-ending expenses and outlay to, perhaps, some spirited prosecutor, ending in a mockery of investigation, and an impunity for crime, are generally the utmost attained.

Who can ever tell of the bitter dying anguish of these neglected victims, and how in their awful moments of desertion the hopeless conviction haunted them that no inquiry would be made of their fate, and no punishment fall on their assassins?

And who can tell what desolation the love of fathers, sons, and brothers may have caused in some far-away homestead; how, instead of gladdening news, they have found that the angel of desolation has passed by and rendered their hearths desolate.

In the name of humanity outraged, we call for energy in redress against this wholesale trampling on Treaties and international laws, and exactions from a country that professes to belong to the family of nations, a regard to the ordinary tenets of humanity, and a concordance with the creed of civilization.

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*No. 14.—Sir C. Wyke to Lord J. Russell.—(Received July 29.)*  
(Extract.) *Mexico, June 28, 1861.*

THE past month has been fertile in events not only tragic in themselves, but terrible also from affording convincing proof of the degradation to which this unfortunate Republic has been reduced by the vindictive spirit of contending factions.

My correspondence by last mail informed your Lordship that the Church party was still in arms, led by ex-President Zuloaga and his Lieutenant-General Marquez, who, at the head of between 2,000 and 3,000 men, were enabled not only to hold their ground, but actually to drive the Government troops before them and ravage the whole valley of Mexico.

On the 2nd instant news reached this city that Marquez had seized and shot Señor Ocampo, one of the leading men of the Liberal party, and recently their Minister for Foreign Affairs, who for the moment had retired from public life and was living quietly on his estate in the country. This intelligence caused the greatest excitement here, and gave rise to threats of vengeance against those unfortunate members of the Church party who were confined in the prisons of this city.

The feeling of hatred against them became so strong that their relatives flocked to the different Legations and implored our intercession with the Government to protect the lives of the prisoners against the fury of the rabble. The French Minister, as doyen of the Diplomatic Corps, called a meeting of the different foreign Agents resident here, when it was unanimously agreed that we should seek an interview with the President, calling on him in the name of humanity to save these unfortunate persons, and at the same time to vindicate the authority of his Government against the attempts of that violent party in the State which meditated the commission of such a crime.

His Excellency received us very graciously, and stated that we need not be under the least anxiety, as he had already given orders for the guards to be doubled at the different prisons, besides adopting other measures to frustrate the evil intentions of those who wished thus to disgrace themselves and the country to which belonged.

The President kept his word, for that very night when the rabble rushed to the prisons they were kept in check by the military, and obliged to disperse without effecting their object.

This interview took place on the 4th instant, and there were present at it, besides the President and the Secretary of State for Foreign Affairs, the Ministers of France, England, Prussia, The United States, and the Chargé d'Affaires of Ecuador.

In the Congress stormy debates followed, and General Degollado,

another distinguished member of the Liberal party, asked for a command in order to pursue Marquez, and revenge the death of his former colleague. His request was granted in the midst of the the greatest enthusiasm, and in a few days he marched at the head of a division towards Toluca in pursuit of the enemy. Whilst reconnoitring with a small party on the 16th instant, he was surprised by General Galvez, his party was dispersed and cut to pieces, and he himself killed.

The news of this event on reaching Mexico only added fuel to the fire, and General Ortega marched at the head of a strong body of Government troops to repair the disaster. Marquez retired before him from the 14th to the 23rd. The pursuit was hotly maintained, and General Valle, the most promising officer of the Liberal party, marched with 1,500 men to try and intercept Marquez and force him to action. The latter by a masterly manœuvre joined Galvez, and with the united forces fell upon Valle, utterly routed and dispersed his forces, took him prisoner, shot him, and then hung his body on a tree. But one of the Government officers escaped to tell the tale; the others, with many of the poor soldiers, were butchered after the action.

These tidings spread terror in this community; the National Guard was called out, and the city has been declared under martial law. On the 25th a party of 400 of Marquez' men forced their way into the suburb of San Cosmé, and at one time it was thought would have captured the city, as they were supposed to be the vanguard of a much larger force. After carrying away some of their party who were prisoners in that part of the town, they retired with the loss of only one man killed and a few wounded.

These events, by proving the miserable improvidence of the present Government, have completely discredited President Juarez, and his retirement is now looked upon as an absolute necessity for the good of the commonwealth. As a preparatory step towards it, General Ortega has been elected Vice-President, in order to succeed to the Presidential Chair when Juarez resigns. Ortega, I fear, will do no better.

Congress has voted 10,000 dollars a-piece for the heads of Marquez and 6 other Chiefs of the Church party; but there is no probability of the money being called for, which is so far fortunate for the credit of Congress, as that sum is not at present to be found in the National Treasury.

I do not enter into details of persons carried off from here by Marquez to be either shot or ransomed, because by so doing I should only unnecessarily increase the length of this despatch, but will merely add, that nothing I can write would give your Lordship a correct idea of the miserable and disgraceful disorder which now



reigns here, and which is only another proof, if one were wanted, of the utter incapacity of these people to govern themselves.

The Church party are daily gaining ground, and, it is feared, may eventually succeed in capturing this city and driving the present Government again into the Provinces, thereby renewing all the horrors of a civil war which has devastated this unfortunate country for the last 3 years.

The Guzman Ministry resigned 10 days ago, and such are the difficulties of the situation that no men have been yet found who are willing to take their places. In the meantime business is brought to a standstill, and any note one has to address to the Foreign Department remains unanswered.

*Lord J. Russell.*

C. LENNOX WYKE.

*No. 15.—Earl Russell to Sir C. Wyke.*

SIR,

*Foreign Office, August 21, 1861.*

I HAVE received and laid before the Queen your despatches of the 24th, 25th, 27th, and 28th of June, and I have to convey to you the entire approval of Her Majesty's Government of your conduct as therein reported.

Her Majesty's Government have read, with much concern, your account of the deplorable condition of Mexico, but Her Majesty's Government cannot accept that condition as an excuse for the want of good faith shown by the late acts of the Mexican Government, and by the tone of Señor Guzman's correspondence with you.

It appears to Her Majesty's Government to be useless to continue negotiations with that Government, either as regards the repayment of the proceeds of the conducta robbery, or the money stolen from the British Legation, or the non-fulfilment of the Aldham and Dunlop compacts; and Her Majesty's Government will accordingly, in such manner as they shall deem most suitable, adopt more active measures to obtain redress.

I have now to instruct you to demand, in the first instance, of the Government of Mexico, that in the ports of Vera Cruz and Tampico Commissioners shall be placed, who shall be named by the British Government, for the purpose of appropriating to the Powers having Conventions with Mexico the assignments which those Conventions prescribe, which shall be paid out of the receipts of the maritime Custom-Houses of the Republic; including in the sums to be paid to the British Government, the amount of the conducta robbery and the money stolen from the British Legation.

You will also require that the Commissioners shall have the power of reducing by one-half, or in any less proportion, the duties now levied at those ports.

If these terms are not complied with, you will leave Mexico, with all the members of your Mission.

Sir C. Wyke.

I am, &c.

RUSSELL.

*No. 16.—Earl Russell to Sir C. Wyke.*

SIR,

*Foreign Office, August 21, 1861.*

WITH reference to your despatch of the 24th June, and its several inclosures, I have to state to you that Her Majesty's Government must insist on the restoration of the 660,000 dollars stolen from Her Majesty's Legation, and that if that money is not restored, friendly relations between the two Governments cannot be maintained.

I am, &c.

Sir C. Wyke.

RUSSELL.

*No. 17.—Sir C. Wyke to Lord J. Russell.—(Received August 29.)*

MY LORD,

*Mexico, July 11, 1861.*

BY the inclosed extract from this day's "Mexican Extraordinary" your Lordship will perceive that another British subject has been murdered, under circumstances of peculiar atrocity.

The deceased's nephew, after searching in vain throughout the village of Tacubaya for some sort of legal authority to take a deposition on the spot, and perform the usual formalities necessary in such a case, was obliged to have the body removed into this city, when he reported to the British Consul what had taken place, requesting him to acquaint the authorities therewith in order that some steps might be taken for the apprehension of the offenders.

Mr. Glennie had considerable difficulty in overcoming the apathy of the officials, both military and civil, for murder has now become a matter of such every-day occurrence that it excites little or no attention; at length, however, he succeeded, and, the usual forms having been gone through, the body was next day interred—Mr. Walsham, Mr. Glennie, and a numerous body of British residents following it to the grave.

On becoming aware of what occurred, I addressed, in the absence of any Minister for Foreign Affairs, a note to the Official Mayor of that department, copy of which I have herewith the honour to inclose, together with a translation of his reply thereto, by which your Lordship will perceive that they were shamed into affording some protection to a place that ought never to have been left defenceless, and also that they promised to take measures for detecting the authors of this atrocious crime.

It is impossible to give your Lordship an idea of the state of anarchy and disorder into which this country is plunged under the misrule of this incompetent Government. The high roads all over the Republic are swarming with robbers, and murders are constantly

committed in the most frequented streets of the capital, without the culprits ever being, in any one instance, either captured or punished.

I shall spare no effort to ascertain who were poor Beale's assailants; but, if I even succeed, there is not a chance of their being brought to justice, for crime is now triumphant, and no judge would dare, under existing circumstances, to vindicate the law, which, in matters of criminal jurisdiction, has become a dead letter.

I have, &c.

*Lord J. Russell.*

C. LENNOX WYKE.

*(Inclosure 1.)—Extract from the "Mexican Extraordinary" of July 11, 1861.*

NEWS TOPICS.—THE daily events of Mexico have become so alike that one is induced to ask, on getting up in the morning, "Who has been robbed?" "Who has been murdered?"

Since our last publication the event that has caused most sensation has been the murder of Mr. H. M. Beale, one of the very oldest British residents of Mexico, at his residence at the village of Naples. The news of this melancholy event reached here early on the morning of the 7th, and caused that degree of horror and alarm (not surprise) which similar events are likely to create amongst people who exist in a state of anxiety for their own lives and property.

The facts of this murder are as follow:—About 11 o'clock on the night of the 6th a force of some 25 or more men on horseback made their appearance in the village of Naples. They were well armed, and came in with a trumpet sounding. Soon after entering the place—which by the way is an embryo village of 5 or 6 houses—they made a descent upon the house of Mr. Beale, which is the principal one, and commenced to fire at the windows and doors. All the inmates of the house appear to have been in bed. Mr. Beale was awakened, and it is believed was wounded by the first discharge. He at once got up, and rushing to the room of an old lady (Mrs. Wylie) who was stopping with him, took her to the roof of the house for safety. He then descended to the lower floor, and, being unarmed, spoke with the assailants, who had then broken into the house, and offered them the liberty to take what they might wish, supposing, as he had a right to do, that he could have no mortal enemies, and that their object was merely to rob.

In reply to his offer and assurance that he had no arms, he was told that they only sought his life "as a foreigner," their mission being to kill foreigners, and not to rob. This declaration was followed by some remonstrance on his part, when he was struck upon the head with a sword, and the work of assassination com-

menced, amid the most frightful oaths and cries of "Death to foreigners!"

At the time of the attack there was another foreigner in the house, but he made his escape from a window, and fled to Tacubaya, where he gave notice to a friend of Mr. Beale (Mr. Bueron), who proceeded to Naples. When he arrived he found the place deserted by the murderers, and poor Beale quite dead. The body was brought to this city the same day, and examined by physicians named for the purpose by the Government. The wounds were numerous, made by fire-arms, swords, knives, &c. The head was laid open in two places, and disfigured by bruises, cuts, and gunshot wounds, in the most horrible manner. In the breast were 4 wounds, two by fire-arms, and two by knives or swords. Both arms had wounds, and two deep incisions, apparently made by sword thrusts, were found in the lower part of the body. The corpse altogether presented a most shocking spectacle, not that alone of the victim of murderers, but of cowardly fiends who had wreaked upon it their envenomed hatred. The funeral of Mr. Beale took place the day following, and, notwithstanding a drenching rain, the attendance was numerous.

The victim of this atrocity was a British subject of many years' residence in this country, who had always been noted for his pacific and inoffensive character. He had never taken any part in the politics of the country, and it is not known that he ever so much as expressed an opinion in favour of one party or the other. When warned a few days before his death of the existence of danger, he laughed at the idea, and urged his entire neutrality as a guarantee that no one would molest him. He was a hard-working man, and the new village where he resided owed its name and existence to his untiring industry and enterprise. He was a charitable man, as is well-known by everybody, for, although unmarried, he had a considerable family made up of poor orphan children, who were fed, clothed, and cared for through his industry. His last act of kindness to Mrs. Wylie proves the true character of the deceased more than anything else. His first thought was to save the aged and infirm, and then go to face the danger.

The death of this unfortunate man has, with reason, created a deep feeling of alarm amongst the foreign residents of this place, who cannot longer look upon their situation but as precarious in the extreme. Had many others fallen as Mr. Beale has fallen, there might have been some explanation of the act—that they had been partisans, meddlers with the affairs of the country, or some of the many base reasons which have been advanced to palliate the murder of others of our countrymen. But here nothing of the kind can be advanced. Mr. Beale was "a foreigner" (a British subject), and

for being such has been murdered. The fact cannot be changed. We have not only the testimony of a child who witnessed the murder of Mr. Beale, and heard the threats of the assassins, but we have the fact that the houses of other foreigners in the same place were broken into, inquiries made for the owners, and, when they were found absent, the repetition of the same cries of "Death to foreigners!" and threats to come back and murder them also. It was providential that no others shared the fate of Mr. Beale.

The authors of this atrocity are supposed to be of the clergy forces scattered through the valley. This is natural to suppose, although the fact will probably never be proved. It matters little, however, of what force or party they are. It is alarming enough to know that they have murdered one of our countrymen, and have threatened to serve all of us in the same way, and that they are still at large to do as they please.

Nothing can be done as far as we can learn, to bring the criminals to justice, and we fear that it will be the fate of this case to pass like those of Staines, Gibson, Duval, Egerton, Bodmer, and others—one wail of horror, a home and hearth desolated, one or two formal stereotyped protests, and eternal silence. Surely we are an abandoned people. But the most terrible part of our abandonment is the anxiety—which no foreigner can free himself of—as to who may be the next victim.

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(Inclosure 2.)—*Sir C. Wyke to Señor Magarola.*

SIR,

*Mexico, July 8, 1861.*

I YESTERDAY learnt with feelings of horror and indignation, which I will not attempt to describe, the barbarous murder of a British subject named Beale, at a farm called "Napoles," by a party of 30 or 40 men, who after destroying their victim left the house without removing a single article from it, thereby proving that their sole motive was vengeance against a man universally known as kind-hearted and inoffensive, and who had never taken any part in the dissensions which distract this unfortunate country.

His son-in-law, who lives in Tacubaya, on hearing what had occurred searched in vain throughout the village for some legal authority to proceed to the spot with him in order to verify the facts and draw up a *procès-verbal* duly proving the crime, and the circumstances under which it had been committed. Failing in his object, he next applied to the British Consul in this city, who on addressing the authorities here was informed that the corpse must be brought into Mexico, as there was no person competent in Tacubaya to perform the legal formalities necessary to be fulfilled in such a case as this.

It is perfectly incredible that the Government should thus leave  
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a place like Tacubaya, within 3 miles of the capital, inhabited by thousands of people, and containing much valuable property, totally destitute of any authority whatever, either civil or military, to protect the lives of those who have every right to claim the protection of a Government which is bound to watch over them.

In bringing this dreadful case to your notice I must request that you will immediately inform me what steps have been taken for the detection and punishment of the assassins who have committed this murder, and let me know at the same time what measures have been adopted to prevent outrages of a similar nature being again perpetrated in a place close to the gates of the capital.

If I had supposed Tacubaya had been thus left defenceless, I should have warned all my countrymen to leave a place which everybody thought was under the direct and immediate protection of the General commanding the district. In conclusion I must again urge on you the necessity of giving me an immediate reply to the demand I now address you, not only for the sake of justice to the deceased, but also for the due protection of those British subjects still resident in the actual vicinity of the city.

I avail, &c.

*Señor Magarola.*

C. LENNOX WYKE.

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(*Inclosure 3.*)—*Señor Magarola to Sir C. Wyke.*

SIR, (Translation.) *National Palace, Mexico, July 8, 1861.*

BEFORE receiving your Excellency's note of this day's date the Government had been informed of the assassination committed on the person of the English subject Beale, and had in consequence ordered all the necessary measures for the investigation of the deed and the prosecution of the culprits so soon as they should be arrested.

The Government itself, full of indignation at this crime, desires that its authors should suffer condign punishment, and has again given orders to the General-in-Chief and to the Governor of the district to take active measures, and to inform this Department of what has already been done, and what it is their intention to do, not only in this case, but also about the matter which your Excellency was pleased to lay before me.

As soon as the information referred to has been received in this department I shall have the pleasure to transmit it to your Excellency, assuring you in the meanwhile that this Government will spare no effort, as far as it may be in its power, to give its protection to the life and property of the inhabitants of the district.

I avail, &c.

*Sir C. Wyke.*

LUCAS DE PALACIO Y MAGAROLA.

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*No. 18.—Sir C. Wyke to Lord J. Russell.—(Received August 29.)*  
(Extract.) *Mexico, July 26, 1861.*

AFTER a perusal of the despatches I had the honour of addressing to you by the last mail, your Lordship will, probably, not be surprised to learn that this Government, encouraged by the apparent impunity with which they stopped payment of the assignments stipulated for by the agreements entered into with Captains Dunlop and Aldham, should have gone a step further, and suspended all payments assigned to their foreign claimants by the British, French, and Spanish Conventions.

This scandalous and dishonest act was announced in a new financial law issued by Congress on the 17th instant, and published in newspapers and placards in the form of a Decree, by the President's order, on the 19th.

In this document, of which I have now the honour to inclose a translation, your Lordship will perceive by Article I that all payments, including the assignments destined for the London bondholders and the foreign Conventions, are suspended for the space of two years. By Article XIII the "contra-registro," or duty on consumption of all foreign merchandize, is doubled within the federal district during the Government's good pleasure, to enable them by these means, and those procured by a tax on tobacco, to pay off in preference the debts contracted since the 29th of May last, as well as those they may incur for the expenses entailed on them in maintaining the public peace, or, in other words, carrying on the civil war.

These are the two Articles of the Decree that directly affect foreigners: the others bear more upon native interests, such as Articles XII and XIII, by which the Government is authorized to place an impost on tobacco, and to augment by 50 per cent., up to the end of December next, the excise duties on national products within the Federal district, comprising an area of 89 square miles, with a population of about 300,000 souls.

The "Junta," mentioned in Article VI, is what we should term a special finance committee appointed for the reduction of the national debt by means of funds accruing from property formerly belonging to the Church and other corporate bodies. Two members of the Junta are to be named from the different creditors of the State; but those foreigners to whom such an appointment has been offered have refused it with indignation.

Such is the scheme by which this Government propose to free themselves from their engagements towards foreign Powers, and to procure money sufficient to enable them to go on in the old scrambling, disorderly way, living from hand to mouth by augmenting duties,



levying contributions, and repudiating engagements which they are bound in honour to fulfil.

The same evening that this Decree was published, I wrote a note to Señor Zamacona, Minister for Foreign Affairs, asking him whether it was really authentic, as I could not bring myself to believe that the Government actually meant thus to set at defiance an international obligation such as the British Convention, which could not be put on one side at the will of one of the Contracting Parties, unless with the sanction of the other, and this too without in any way announcing their intention of doing so to this Legation.

In his reply of the 21st, herewith inclosed, your Lordship will perceive the very lame attempt he makes to account for this important omission, for even the visit to which he refers was made 24 hours after the Decree had been placarded in the streets of this capital.

The second note, dated the 21st, translation of which I likewise inclose, is the one announcing the publication of the Decree, to which he alludes in the first note as having been already sent to me, but which in reality only reached me an hour and a-half after I had received the other. My letter of the 22nd refutes the arguments he uses to justify the Decree, and contradicts the insinuation that I must have known of its being about to be issued. My note of the 23rd is an answer to the official announcement of the Decree, by which I solemnly protest against it, and warn Señor Zamacona that unless this obnoxious measure is withdrawn in 48 hours I shall suspend all further official intercourse with the Mexican Government until I receive instructions from Her Majesty's Government with reference to this matter.

The full 48 hours having expired without my having received any answer whatever to this communication, I again addressed him on the evening of the 25th, formally suspending my relations as I had threatened to do. An hour later I received two notes from his Excellency, by the former of which he endeavours to make out that there is no necessity whatever for the step I have taken, and requests me, therefore, still to maintain my official relations with this Government; this was in answer to my note written on the evening of the 23rd, and the latter, in reply to the one of the 25th, complains that the full term of 48 hours was not accorded, for my note, which was written the day before at 5 o'clock, had not been received by him until 7 P.M. As in the first of these Señor Zamacona states the impossibility, according to his view of the case, of withdrawing the Decree, I could not, after the announcement of my determination, reply to him officially, and I therefore answered some incorrect statements contained in his note by a private letter, copy of which I have the honour likewise to inclose.

It is very evident by the tone of these communications that they are now alarmed at the turn affairs have taken ; but their wretched vanity and pride will prevent them from taking any step to remedy the evil, and therefore I see no chance of the measure being withdrawn.

Your Lordship will thus perceive that it has become impossible any longer to suffer the illegal and outrageous proceedings of a Government which neither respects itself nor its most solemn engagements.

It is only by adopting coercive measures that we can force them to give up a system of violent spoliation which in reality is nearly as prejudicial to themselves as to those foreigners who are so unfortunate as to have brought their capital and industry to a country so misgoverned.

On the publication of the Decree, the British merchants resident here addressed a letter to me, praying for my interference in their behalf, against the increase of duties on all foreign articles of consumption thus imposed on them. I inclose copy of their letter, together with my reply thereto.

As long as the present dishonest and incapable Administration remains in power, things will go from bad to worse ; but with a Government formed of respectable men, could such be found, the resources of the country are so great that it might easily fulfil its engagements, and increase threefold the amount of its exportations, not only of the precious metals, but of those productions for which they receive British manufactured goods in exchange. Mexico furnishes two-thirds of the silver now in circulation, and might be made one of the richest and most prosperous countries of the world ; so that it becomes the interest of Great Britain to put a stop, by force if necessary, to its present state of anarchy, and insist on its Government paying what it owes to British subjects. The Moderate party, which is now cowed by the two opposing ultra factions in the State, would then raise its head, and encouraged by adopting the measures I pointed out as necessary in my last month's correspondence, probably establish by themselves such a Government as we require ; but without this moral support they fear to move, and hence the continuation of the deplorable state of things now existing.

M. de Saligny, the French Minister here, has acted in concert with me throughout this affair, and although the interests he has to defend are trifling in comparison to ours, he has used even stronger language than I have, for he does not merely suspend, but actually breaks off all official intercourse with the Government, unless they rescind the Decree of the 17th instant.

I have not the least hesitation in saying that unless Her Majesty's

Government take the most decided measures for proving to this Government that it cannot thus act with impunity, British subjects resident here will remain defenceless, and their property be at the mercy of a set of men who disregard their most solemn engagements whenever such interfere with either their caprice or rapacity.

From the tone of their notes to me anybody not on the spot would imagine that dire necessity had alone compelled them thus to act, whereas in reality 6,000,000 of hard dollars have actually passed through their hands within the last half-year, to say nothing of the immense amount of church property in this district alone which has been dissipated in a manner, according to public rumour, utterly discreditable to the members of the Government.

Awaiting your Lordship's instructions, I have, &c.

C. LENNOX WYKE.

P.S.—I have herewith the honour to transmit translation of another long private note from Señor Zamacona, containing only a repetition of the same sort of arguments he has used before. When I reply to it I shall merely acknowledge reception of a communication which in no way really affects the question at issue.

Lord J. Russell.

C. L. W.

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(Inclosure 1.)—Decree.

(Translation.)

Mexico, July 17, 1861.

THE citizen Benito Juarez, Constitutional President of the United Mexican States, to the inhabitants, know ye:

That the Sovereign Congress of the Union has deemed it well to address me the following Decree:

ART. I. From the date of this law, the Government of the Union will recover the complete product of the Federal revenues, deducting from them only the expenses of the administration of collecting, and all payments are suspended for two years, including the assignments for the loan made in London and for the foreign Conventions.

II. The maritime Custom-Houses and all the other collecting offices of the Federal revenues will surrender all their products into the general Treasury, being exclusively subject to the orders of the Ministry of Finances. On the 15th and on the last day of each month they will forward to the Ministry a statement of their receipts and disbursements.

III. Within the term of one month the Government will form and publish an economical estimate of all public expenses, based on the estimate of the 31st December, 1855, conveniently reduced. The Government is to subject itself to this economical estimate

from the day of its publication, and Congress only has the faculty of making changes afterwards.

IV. The payments in this estimate are to be made in the following manner :

1. The armed force in campaign and in garrison. The material of war. The invalids and disabled soldiers. These payments are to be made complete, but no surplus can be admitted.

2. The civil list in active service and the military list not in service. These payments, if under 300 dollars, are to be made complete ; if above 300 dollars they are to be made in strict and equal proportion.

3. The classes pensioned by the nation are to be paid in strict and equal proportion, if the classes above mentioned have been paid before, as is ordered by the Decree.

V. If an order, not included in the estimates, is sent to the General Treasury by Government, an observation must be made by a communication of the Government : if repeated, the Treasurer is to communicate it immediately to Congress. If the Treasurer does not make the observations here mentioned, he is to be destituted immediately.

VI. A superior Committee of Hacienda is instituted, composed of one president and four members named by Government, with the sanction of Congress. Two of them, at least, must be creditors of the nation.

VII. The attributes of the Junta are the following :

1. To pay the loan made in London and the foreign Conventions ;  
2. To pay the creditors not comprised in the law of the 30th November, 1850 ;

3. To pay legal and posterior credits against the nation up to the 30th June of this year, including those comprised in the law of the 17th December, 1860 ;

4. To receive the payment of what is due to the nation, if it be unknown to the collecting offices ;

5. To administer and sell the nationalized clergy property, and to execute all the attributes of the law of disamortization and nationalization ;

6. To make arrangements, with the sanction of Government, with all the persons interested in, or that have any business relative to, nationalized property ;

7. To distribute all the funds collected amongst the creditors of the nation. The product of the suppressed convents is to be applied to the creditors of the conducta of Laguna Seca, and after covering the estimates of the nunneries, the remainder is to be distributed to the creditors in the foreign Conventions.

VIII. In order that the Junta may be able to fill the attributes conferred upon it by Government, the following is assigned to it:

All the "pagarés" existing in the special disamortization office; the product of all pending redemption; the capitals not redeemed belonging to the nation, the buildings of the suppressed convents, the lands and all existing materials. In the States and territories all the lands, convents, and buildings comprised in the law of nationalization, and all the products, except the 20 per cent. belonging to the same States and territories. The buildings and capitals expressly excepted by Government are not comprised in this Article.

IX. All this property will form a fund distinct of public credit; the employers in the district, the chiefs ("jefes superiores") of the Finance Department in the States and territories are to forward immediately to the Junta titles, deeds, notices, and corresponding documents.

X. In the special law published for the conversion of public debt, the part to be delivered by the States is to be fixed and regulated.

XI. The Government is authorized to publish a decree taxing tobacco: this tax is to be collected for the Federal Treasury in all the Republic.

XII. The Government is authorized to increase, during the remaining months of this year, the alcabala of one-half per cent. more on national products, excepting the articles of agricultural and manufacturing industry specified in the Decree of the 24th September, 1855.

XIII. The duty of "contra-registro" on foreign goods is increased to double in the district; this increase is to be paid as long as the Government may deem it necessary to fulfil the object of the following Article.

XIV. With the new product of the alcabala, the "contra-registro" and the tax imposed upon tobacco, the Government will pay with preference all the debts contracted from the 29th of last May, and all those that it may contract for the re-establishment of public tranquillity, leaving extant all the orders that have been given on account of "refacciones" for the payment of the money taken in Laguna Seca.

XV. The Governors of States and the employés of the Collecting Department have no intervention whatever in the Federal revenues.

XVI. The Government is authorized to reform and organize within one more month all the offices on such a base that their estimates be reduced, and is authorized to increase the salaries of some employés, and to reduce their number.

Given in the Sessions Hall of the Congress of the Union, on the 17th of July, 1861.

GABINO BUSTAMANTE, *Deputy President.*

FRANCISCO CENDEJAS, *Secretary.*

E. ROBLES GIL, *Deputy Secretary.*

For which I order that it be printed, published, circulated, and given due respect.

Given in the National Palace in Mexico, the 17th July, 1861.

BENITO JUAREZ.

(*Inclosure 2.*)—*Sir C. Wyke to Señor Zamacona.*

SIR,

*Mexico, July 19, 1861.*

A PRINTED paper, as strange in compilation as in the nature of its contents, was this day hawked about the principal thoroughfares of the city, and has now, I see, been reprinted in the columns of this evening's "Siglo."

According to the wording of this document, it would appear that Congress has thought fit to make a free gift of other people's property to the Government of the Republic, by suspending for the space of two years the payment of all assignments, as well to the London bondholders as to the parties interested in the foreign Conventions.

Until I hear from you to the contrary, I am bound to consider this announcement in the light of a falsehood; for I cannot bring myself to believe that a Government which respects itself could sanction a gross violation of its most sacred obligations to other nations, and then proclaim the fact of their having done so in a manner which, if possible, aggravates the offence.

That the Representatives of those nations who are thus slighted and injured should be allowed to learn, in the first instance, by handbills circulated in the streets, that you have repudiated your engagements, is as unaccountable as the policy which could dictate a measure alike fatal to the character and credit of the Republic.

I will not dwell on other obnoxious paragraphs of this publication, as at present I cannot believe it to be authentic; for when your Excellency did me the honour of calling on me to-day, you in no way alluded to a subject which would otherwise surely have formed the chief topic of your conversation.

Awaiting a reply at your earliest convenience, I avail, &c.

*Señor Zamacona.*

C. LENNOX WYKE.

(*Inclosure 3.*)—*Señor Zamacona to Sir C. Wyke.*

(Translation.)

*Mexico, July 21, 1861.*

THE Undersigned, Minister for Foreign Affairs, has had the honour of receiving from his Excellency Sir Charles Lennox Wyke,

Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, the note in which his Excellency requests to be informed whether the Decree of the Federal Congress providing for a total suspension of payments, not excepting those of the London bondholders and Diplomatic Conventions, is or is not authentic.

His Excellency's request might have been looked upon as anticipated by the explanation the Undersigned had the pleasure of making yesterday at the Legation only a few minutes after the note, to which this is a reply, had been sent to the Foreign Office, indeed while it was yet on its way there; but the private character of that explanation renders it incumbent upon the Undersigned to recapitulate a portion of it in the present communication.

In the first place, he begs to assure Sir Charles Wyke that so soon as the Decree of yesterday was made known to him through the Department of Finance, he proposed to bring it at once to the cognizance of his Excellency, though anxious that this step should be preceded by a visit, at which it was the intention of the Undersigned to give Sir Charles Wyke a fuller and more detailed explanation of the Decree in question, its purport, and probable results, than was compatible with the limits of an official note. In the meanwhile, however, the Decree was duly and formally published and printed in the daily newspapers, and this will account for his Excellency the British Minister having seen it before he received either an explanatory communication or a visit from the Undersigned.

Sir Charles Wyke will now allow the Undersigned the liberty of stating that he does not consider his Excellency has formed a correct estimate of this Decree, when he says the Congress therein makes a free gift to Government of other people's property. Her Majesty's worthy Representative likewise goes on to qualify the act of Congress as a total suspension of payments for the space of two years; still it will not escape his keen judgment that the application of the term "free gift" to what is merely the act of ratifying certain obligations, and specifying the mode of fulfilling the same, amounts to a misnomer.

Neither can the Undersigned agree with Sir Charles Wyke in his opinion that the Decree in question is a violation of Mexico's most sacred obligations towards other nations. Such a phrase would imply the idea of a voluntary and deliberate act; whereas the Republic, in suspending the payments due to the Diplomatic Conventions, yielded not to the dictates of its own free will, but solely to the force of circumstances, which have rendered it morally and physically impossible for the nation to continue making those payments which have hitherto been made by means of the most strenuous exertions. When, then, such efforts have been unavailing,



the Government may be permitted to say so without any want of respect either for itself or for those nations with whom they may have engagements.

To every obligation there is attached the tacit condition of possible fulfilment or non-fulfilment, and nobody has ever been judged faithless to his engagements for having, when compelled to suspend payment, stated the simple fact of such engagements being incompatible with possibility.

Of such a nature is the statement contained in the Decree that has now passed Congress, and Her Majesty's Minister should not be astonished that it did so pass Congress, or that it was afterwards published without the previous consent of the Diplomatic Representatives in their character of protectors to foreign creditors, for it must be treated as the mere declaration of a simple fact, in no way tending to the modification or prejudice of the interests connected with the public debt.

It will not have escaped the clear judgment of Sir Charles Wyke, acquainted as is his Excellency with the actual situation of the Republic, that the suspension of payments which has lately been decreed, which only expresses what has long been the public feeling, and has formed the subject of confidential conversations with some members of the Corps Diplomatique, as well also as with some of those most interested in the foreign debt, has been brought about by an imperious necessity, which did not admit of any preliminary arrangement or adjustment. The Government had to choose between two evils—either to respond to public opinion by adopting the only existing means of preserving order and reorganizing the whole administrative system, or to look quietly on and leave society to become an easy prey to the prevailing anarchy.

Government, considering the preservation of order to be its first duty, and believing that for the positive good of all who had interest at stake in the country, some one plan should be undertaken which would tend to consolidate those same interests, presumed they might count, to a certain extent, upon the assent of the creditors.

Sir Charles Wyke, then, will thus understand why the Undersigned, holding as he does these opinions, can neither look upon the decree, originating this note, as repudiating national engagements, nor as prejudicial to the good fame and credit of the Republic.

In order the better to understand the true force and purport of the Decree, the Undersigned would beg to refer Her Majesty's Minister to the note which has been addressed to the Legation for the purpose of announcing to his Excellency the Act of Congress; and if Sir Charles Wyke considers that in the visit which the Undersigned had the honour of paying yesterday at the Mission, he

was only performing such an act of courtesy as should always precede any official or confidential conferences upon matters of business, his Excellency will cease to wonder at the absence of special reference to the subject of this communication during the conversation which then took place.

The Undersigned, &c.

Sir O. Wyke.

MANUEL DE ZAMACONA.

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(Inclosure 4.)—*Señor Zamacona to Sir O. Wyke.*

(Translation.)

*Mexico, July 21, 1861.*

THE Undersigned, &c., has the honour to inform his Excellency Sir O. Lennox Wyke, &c., that the decree which forms the inclosure to this note has passed the Federal Congress of the Republic, and that the Undersigned brings it to the cognizance of his Excellency on account of its connection with the Diplomatic Conventions and their payments.

From the known ability and sound sense of Her Britannic Majesty's Minister, the Mexican Government are led to hope that his Excellency, so far from seeing in the above Decree any cause for alarm on account of those interests which are under the protection of the British Legation, will, on the contrary, perceive in this act of the Legislature a proof that the Republic is anxious to arrive at an estimate of their resources; to organize those resources in the most profitable manner; to cut at the root of such abuses as have hitherto brought censure upon the Government, the Supreme Power being the first to submit to the restrictions and other conditions necessary for this object; and, at the same time, to place the engagements and obligations of the nation upon such a footing as will ensure them in future a sure and lasting inviolability.

To fulfil faithfully their international compacts, the Mexican Government have made almost superhuman efforts, and can show results of no ordinary kind, such, for instance, as the present balance-sheet of the Mexican debt, whereby it is seen that no very notable change has been brought about therein by the continuous state of revolution. During this crisis, on the contrary, the position of foreign creditors has improved; in the midst of its greatest embarrassments the nation has gone even so far as to increase the rate of interest for paying off the public debt, and has thus deprived itself of the very means which were at its disposal for terminating the civil war; in other words, the nation has paid its creditors their gold with the blood of its citizens.

Since the revolution began, the Republic has been thirsting after peace, order, and security; yet the Government, fully convinced though they were of being able to right themselves if only they could count upon any means that would really admit of action,

hesitated long before laying hands upon the funds destined for the payment of their foreign debt. So great, indeed, was their respect for these funds, that they preferred to sacrifice their obligations to Mexicans, to trample under foot the most cherished principles of their country, nay, even to imprison persons of the highest respectability, in order to obtain resources from the sums paid for their release, rather than touch a cent of the assignments destined for the Diplomatic Conventions and the London debt.

So hateful an expedient, although it has served to prove their good faith towards other nations, has not been and never can be efficacious, so that the Government has now to start afresh, as they should do, upon different principles, and with the fixed purpose of thoroughly reorganizing their plan of administration, and of having recourse, not to temporary expedients, but such a system of taxation as from its nature will, while adding fresh vigour to Government, abolish once and for all the old system of forced imposts.

To carry out this principle, the Republic has need of its entire revenue and of conscientious and practical persons to administer the same, and this is the intention of the law which the Undersigned has the honour of placing in Sir Charles Wyke's hands.

The present Government of the Republic has to meet, on the one hand, the demands of society and civilization for order, and guarantees, on the other, those of the foreign creditors for nearly the entirety of the public revenue. So circumstanced, no Government could hesitate as to the course to be taken.

The nation, then, has yielded to the cry of society and civilization, has given way before a pressure too heavy for it to bear, but it has done so merely in order to recover strength, and then return to the charge.

The Government of the Undersigned originated the measures contained in the inclosed Decree, and possibly they are the first rulers in the country who have religiously and honestly undertaken seriously to consider the nature of their obligations, and to discover the best means of meeting them.

It is impossible for Mexico to attempt any administrative reform or the re-establishment of peace and order, if she has to support the burden of the national debt.

To enable her, however, to remove whatever has led to those numerous questions which have so incessantly occupied the attention of foreign Representatives and the Finance Department, and to do away with the system of forced imports, to enable her to free herself from the necessity of breaking through her own liberal principles and overtaxing foreign imports; to enable her, in short, to procure some portion of the money now paid by the Maritime Custom-Houses towards the extinction of the debt, it is necessary

she should be allowed a short respite wherein to recover herself, as well as the full use for a few days of her entire revenue. In that case, by proper management and economy, public order and tranquillity would be re-established, and the revenue of the country, with the exception of what was absolutely requisite for the proper protection of society set apart to meet the payment of arrears.

The Government of the Undersigned considers that a debtor, so long as he is actuated by honourable feelings and a full determination to carry out his engagements, does not forfeit his dignity in presenting himself to his creditor and frankly confessing he is, though temporarily so, unable to pay his debts; and the sole object which that Government now has in view, is to prove to the world that they are really and truly resolved upon attempting administrative reforms in the country, as the only means left likely to produce any amelioration in its political condition. They perfectly understand that they have to struggle against the unfavourable impression caused by the abuses and irregularities allowed in former times, yet it does not escape them that they have inherited this fresh difficulty in addition to the others which they have now to combat, though they are not ashamed of such difficulties, inasmuch as this is no exceptional case in the annals of Mexican revolutions, nor is it the work of the present Administration.

A nation, like an individual, has the right to ask to be judged by its own acts, and not according to preconceived prejudices or partial comparisons.

When the President of the Republic convened the members of the present Government they each and all, with heartfelt sincerity and honesty of purpose, hailed the idea of at once fearlessly grappling with the difficulties of the problem upon the solution of which depended the great question of reform. They saw that the nation lacked not the material elements of such a work, but merely their proper organization. Nor were moral elements wanting; for were there not proofs to the contrary in the general longing for the time when, upon the spurious and self-interested promises of a frivolous and corrupt minority, there should be built up lasting institutions, under whose protecting influence Mexicans and foreigners alike would deem their honour, lives, and property secure? The Government saw that the nation was weary of its state of anarchy, that it cursed the abuses and the recklessness which had brought upon it discredit and ruin; they saw, in fact, that the majority in the country asked but honesty of purpose from the ruling power, and they did not hesitate to consecrate their efforts exclusively to respond to so just a call.

The Cabinet, of which the Undersigned is a member takes pride in its firmness of purpose, and considers that it merits the sympathy

and co-operation of foreign Representatives, whose presence in the Republic is not solely for the protection of specified interests or nationalities, since their mission is equally one dedicated to the cause of humanity and civilization.

Sad indeed would it be if history had one day to recount how that this country, after the most trying vicissitudes, came to be ruled over by men who, without any supernatural gifts and animated solely by their patriotism and their experience, shrunk not from making one final effort—an effort such as never yet had been made—to establish in Mexico the rule of reason and morality, yet that this effort was shipwrecked on the prejudices and scepticism of the most enlightened nations of the world in respect to Mexico's future and Mexico's capabilities for reform.

Every impartial person must look upon what is now passing as a proof of the energy and loyalty which Mexico is displaying in her endeavours to attain that position which reason and prudence dictates. Government, at the outset, has procured and dedicated to the interests of the public debt, all the national property. They have initiated a system of economy which is already in operation; and as a result thereof, have imposed upon themselves and their subordinates such restrictions and self-denial as have never yet been imposed by any former administration. They have further been occupied with the details of a programme based upon those principles of economy which experience has proved to be necessary. Great progress, too, has been made towards establishing public order and tranquillity by the steps taken by Government, for tracing out clearly the position which the States hold in respect to the supreme Federal Power. Moreover, the Departments of State now are denied to those who would hold office simply to speculate in the gains of the reigning disorder and confusion, and the present rulers of Mexico would sooner sink under their difficulties than yield an inch of the ground on which they have taken their stand in defence of reform and morality.

All those who have interests in the country, all indeed who would see civilization on the increase, should aid the Government in attaining the objects they have in view, instead of throwing obstacles in their way. The great European Powers are extending their sympathies at the present hour to those countries who are striving to join the rest of mankind in the great work of civilization, and Mexico would fain hope that she is not alone to be excepted.

The very creditors of Mexico themselves should, the Undersigned thinks, in their own interests, feel that great encouragement is given to them at the present moment; for it is not the Republic alone that is now concerned in the proper regulation of the public debt under surer guarantees, and in the necessity of consolidating

the same. The creditors of the nation have even a higher interest at stake, inasmuch as by no other means than those already mentioned can they expect to obtain greater advantages than those they now possess, notwithstanding that they have gradually acquired for themselves almost the entire revenue of the country.

This very circumstance is regarded, and with reason, as a proof of non-stability, while it equally produces distrust in people's minds, a state of things no less prejudicial to the Republic generally than to its creditors.

Upon this point natural instinct cannot be deceived. As matters now stand, whether in respect to the country or the creditors, it might be possible that the drain upon the revenue could be continued for the space of a few months, but it would be possible only at the price of certain ruin, alike to the country and the creditors.

Had the Government hesitated to adopt the measures for a radical financial reform, to which sufficient reference has already been made, they would have been either compelled, against their principles and inclination, to impose fresh taxes upon foreign importations, or quietly to submit to every interest connected with social order being swallowed up in the flood of anarchy—an idea too horrible to be thought of.

To avoid either of these extremes the Government, guided by their conscience and feelings of patriotism, suggested the plan contained in the inclosed Decree. If, as it is to be hoped, it should meet with support and sympathy from other nations, Mexico would be able to raise her voice and proclaim aloud that she had entered upon the one road that could lead her to salvation. Should it be otherwise, the nation must perish, and with her all those interests which are so closely connected with her future prosperity. Be this as it may, the Government that in these stormy days rules over the destiny of Mexico, will have had the honour and glory of initiating and doing battle for the only means left that could save their country.

The Undersigned would feel obliged to Her Majesty's Envoy Extraordinary if his Excellency would transmit a copy of this note to his Government, and avails himself, &c.

*Sir C. Wyke.*

MANUEL DE ZAMACONA.

*(Inclosure 5.)—Sir C. Wyke to Señor Zamacona.*

SIR,

*Mexico, July 22, 1861.*

In reply to your communication bearing yesterday's date, which I have just had the honour to receive, I will endeavour to answer seriatim the objections you have to offer to the statements contained in my note to your Excellency of the 19th instant.



You state the reasons why the Financial Decree was not sooner communicated to this Legation, and say that you were anxious personally to explain to me the motives which had originated it; but what I complained of was, that it should have passed into a law without the intention even of carrying it into execution ever having been announced to me.

When two parties bind themselves to perform certain stipulations, neither of them has the right to free himself from such obligations without having first of all obtained the consent of the other contracting party. With regard to what you say about the impropriety of my calling this act of the Congress a giving away of other people's property without their consent, permit me to observe that I am perfectly justified in making that assertion, for in matters of this nature time is often equivalent to money, and the arbitrary act of stopping all payments for the space of two years is depriving the parties interested of their money for that space of time, which is a dead loss of so much value to them.

The imperious necessity which you urge as an excuse for the act cannot in any way justify the manner in which you have made yourselves sole judges of that necessity, without first of all urging it on the forbearance of your creditors, in order to obtain their consent to what you were about to do.

A starving man may justify, in his own eyes, the fact of his stealing a loaf on the ground that imperious necessity impelled him thereto; but such an argument cannot, in a moral point of view, justify his violation of the law, which remains as positive, apart from all sentimentality, as if the crime had not had an excuse. If he was actually starving, he should have first asked the baker to assuage his hunger, but doing so of his own free will, without permission, is acting exactly as the Mexican Government has done towards its creditors on the present occasion.

Although, as your Excellency truly observes, the law just published does not certainly affect the rights of the parties interested, yet it does most positively touch their material interests by depriving them of payments on which they had counted to fulfil their other engagements.

With regard to the hope of immediate relief which you seem to entertain from the operation of this measure, I am convinced that it will, on the contrary, greatly aggravate the actual difficulties under which you are now labouring, and that for reasons so evident that I will not now advance them.

I am not aware that the project of this law was shown to other Diplomatic Agents, but I certainly never heard of it before under its present form, and, therefore, as far as I am concerned, the case stands exactly as I have stated it.



With regard to the light in which your Excellency views this question, as expressed in your above-named note, you will, I am sure, excuse me for stating that it cannot be treated of partially, without also taking into consideration the opinions of those who directly suffer from the practical operation of such ideas as emanating from yourself and the other members of the Government who submitted the project to the Congress.

With respect to what you mention about a note addressed by your Excellency to this Legation with reference to this matter, I must inform you that it has never reached me, and that, therefore, I had a full right to complain, as I did in my communication to you of the 19th, of having first of all heard of this extraordinary measure of the Government by seeing it in printed bills placarded through the public streets of the capital. I have, &c.

*Señor Zamacona.*

C. LENNOX WYKE.

P S.—Since writing the foregoing lines, the note of your Excellency alluded to above as missing, has been put into my hands, it having reached this Legation an hour and a-half later than the one to which this is a reply. G. L. W.

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(*Inclosure 6.*)—*Sir C. Wyke to Señor Zamacona.*

SIR,

*Mexico, July 23, 1861.*

YOUR Excellency's note of the 21st instant reached me yesterday afternoon, by which I learn that the Decree forming its inclosure has passed the Federal Congress of the Republic, and that you forward it to me as directly bearing on the stipulations of the Diplomatic Convention for the payment of British claims concluded between Great Britain and Mexico in the year 1851.

I have already so fully explained to you in my notes of the 19th and 22nd of this month what I think of this Decree, and the manner in which it has been issued, that any further observations of mine with reference to it would only be superfluous, and prolong a correspondence which should never have been called for at all.

As to the appeal you make to the indulgence and forbearance of Her Majesty's Government, in order to obtain their sanction to a measure which is of itself sufficient for ever to deprive you of their confidence, I need only remind you that such indulgence has already been too far abused by the utter failure of all your engagements in the affairs of the Calle de Capuchinas and the Laguna Seca for it to be again extended to those who, instead of feeling grateful for it, only seem to count on its exercise in order to free themselves from every obligation, however binding it may be.

Apart from these considerations, however, the carrying out of

this financial law, so far from benefiting the nation, will only plunge it into tenfold greater difficulties by largely increasing its obligations to its creditors, and at the same time striking at the root of its credit and commercial prosperity.

That which is in itself wrong can never come right, for it is a well-known axiom that spoliation as a source of revenue soon exhausts itself.

It is not by such means that the resources of the country can be augmented, but by a determination to make every sacrifice, and incur every privation, with a view of maintaining your honour and fulfilling your engagements. This determination once adopted and manfully put in practice would at once inspire confidence and rally round you those whose sympathies you now appeal to in vain, because they doubt from past experience both your prudence and your sincerity.

In using language thus strong you must not attribute to me a desire to offend which is indeed far from my intention, but I have a duty to perform both to my own Government and to that to which I am accredited, which impels me fearlessly to tell the truth and warn you against the inevitable consequences of a step alike fatal to your own interests, as well as to those of my countrymen affected by this law.

It now only remains for me to protest most solemnly, as I hereby do, against this Decree, at the same time that I hold the Republic responsible for all and every damage and prejudice caused by it to the interests of those whom I represent in this matter; and further to warn your Excellency that, unless the said Decree is withdrawn within 48 hours from this present time, I shall, until I receive fresh instructions, suspend all official intercourse with the Mexican Government, as any longer maintaining such under existing circumstances would be incompatible with the dignity of the nation I have the honour to represent.

In compliance with your request I will transmit a copy of your Excellency's note of the 21st instant to Her Majesty's Government.

I avail; &c.

*Señor Zamacona.*

C. LENNOX WYKE.

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(*Inclosure 7.*)—*Sir C. Wyke to Señor Zamacona.*

SIR,

*Mexico, July 25, 1861, 5 P.M.*

THE day before yesterday, at this hour, I had the honour of informing your Excellency that, if the Decree of the 17th instant was not withdrawn within 48 hours, I should feel it my duty to suspend all official intercourse with the Mexican Government, until I should receive instructions from Her Britannic Majesty's Government as to the next step to be taken in a matter which not only

implies the breach of a solemn international compact, but also carries with it so great a slight as almost to amount to a direct insult to the nation I have the honour to represent.

The term having now expired within which I should have received a reply, and none having reached me, I take your silence as a refusal of my demand ; and I therefore from this time forward suspend all official relations with the Government of this Republic until that of Her Majesty shall adopt such measures as they shall deem necessary under circumstances so unprecedented.

I have, &c.

*Señor Zamacona.*

C. LENNOX WYKE.

*(Inclosure 8.)—Señor Zamacona to Sir C. Wyke.*

*(Translation.)*

*Mexico, July 25, 1861.*

THE communication which his Excellency Her Britannic Majesty's Minister was pleased, under yesterday's date, to address to the Undersigned upon the subject of the Decree of the Sovereign Congress proclaiming a total suspension of payments, not excepting those of the Diplomatic Conventions and the London debt, has rendered it incumbent upon the Undersigned to make certain explanations, without which it might be supposed that his Government had accepted as irrefutable some of the facts and statements therein adduced by Sir Charles Wyke.

Once and for all, then, the Undersigned rejects the notion entertained by his Excellency in his notes of the 19th and 22nd instant, that the Decree of the 17th implies an act of spoliation.

This act of the Legislature carries with it no legal right whatever to rob foreign creditors of what belongs to them. The nation, in whose House of Representatives the Decree in question was carried with scarcely a dissenting voice, has never sought to disavow the rights which have accrued to others from international compacts. Still she has been forced to declare that, for some time to come, such rights cannot continue to be a drain upon the revenue of the maritime Custom-Houses, for that revenue—the only one Government possesses for immediate purposes—does not suffice for the actual exigencies, temporary though they be, of the country and society, and at the same time for the payment of the interest and principal of the public debt. Government have obligations to perform both towards society and their creditors. They cannot perform both at once, and consequently by the Decree which has originated this note, Government have done nothing more than place those obligations in their legitimate order, without attacking or disavowing any of them.

His Excellency Her Majesty's Envoy Extraordinary, while attempting to clothe the Act of Congress in the garb of spoliation, has in one of his former notes employed a simile, the inaptitude of

which is strikingly perceptible. His Excellency compares the Government at this moment to a person who, impelled by hunger, assaults and robs a provision merchant. Now, two ruling principles are implied in such an act, one of aggression, the other of robbery, neither of which can even be assumed in respect to the conduct of Government towards its creditors. Of not a 6*d.* have these same creditors been deprived; and if one had to employ a simile to qualify the conduct of Government, it would be rather that of a father overwhelmed with debts, who, with only a small sum at his disposal, scarcely sufficient to maintain his children, employed it in the purchase of bread instead of in the payment of his bills. Were Her Britannic Majesty's Representative a member of the family, would his Excellency be eager to qualify his father's conduct by the name of spoliation?

In every-day life one is accustomed to see people who suspend payment owing to pecuniary embarrassments, yet nobody seeks to call them thieves. Now in the Decree, upon which Her Britannic Majesty's Minister passes so severe a sentence, not a single word is there which can give rise to the idea of thieving propensities. Payments, it is true, are stopped, because Government cannot pay out of the funds assigned to it. They are stopped because the nation, to be orderly and at the same time methodical in the accounts of the public debt, wants as soon as possible a Government; yet still, with feelings of loyalty and with a solicitude worthy both of being more justly appreciated, she has given her creditors a two-fold guarantee—firstly, in the plan itself, so complete, so impartial, a plan wherein looms a prospect of solid stability; and, secondly, in the assignment of a special fund of several millions (most of which can shortly be realized), whereby, even during the period of suspension (in their case nominal), the foreign creditors will obtain even better security than what was given them in the maritime Custom-Houses.

It is not, M. le Ministre, about sacrifices or money that Mexico is haggling; that which she is defending are the principles of order; that which she is longing for is system and organization, without which she is lost; and she is searching after prudence and method, so that she may never again be accused of slovenliness and mismanagement by those who regard as a national vice what is but a phenomenon inseparable from a state of revolution.

It is well, too, to state accurately the attitude of Mexico before her creditors, both as it was and is; for it is not such a one as his Excellency Her Majesty's Envoy describes in his last note. To judge therefrom, our Republic has never been aught than an indigent debtor, who from time immemorial has responded with

ingratitude and bad faith to the undeniable generosity and indulgence of her creditors.

The Undersigned shuts his eyes purposely to the history of the foreign debt, for neither would he wish to employ the bitter tone of Sir Charles Wyke's note, nor give the slightest indication of Mexico's belonging to the set of faithless debtors who, to avoid payment, dispute the legality of their obligations. Mexico, on the contrary, recognizes in a high degree her engagements, and will abide by them, moreover, without taking exception at the antecedents of the original contract.

But the Undersigned is convinced that, when this correspondence shall have come to light, all who are familiar with the history of our external debt, all who are acquainted with the primary elements of the British Convention, and know how the parties interested therein were allowed the advantages of increased interest in the midst of a ruinous civil war, and in the days of Mexico's hardest struggle, will see something strange in the allusion of his Excellency Her Majesty's Minister to the indulgence of which the foreign creditors were so prodigal, but which the Republic so systematically abused.

Had the demands of the creditors been somewhat fewer, then, perhaps, the fulfilment of international engagements might have come within the range of possibility. Mexico, however, has been like those fields where the harvests have been out of proportion to the fertility of the soil, and the day comes when the land becomes impoverished, yields nothing, and is obliged to lie fallow for one or two years.

The Undersigned considers he should not pass over in silence the charge which is made against his Government of having failed to fulfil their engagements in respect to the funds seized at the British Legation by functionaries of the reaction, and to the money-convoy "occupied" at Laguna Seca.

In the first case, Government, with consent of the Legation, engaged simply to make the perpetrators of the act responsible, and if such means did not lead to the desired result, viz., indemnity, to discuss others which might do so. No one, then, can say that until now Government has not fulfilled their engagement in this case.

As for the affair of Laguna Seca, when Government undertook to repay, within the space of 4 months, what remained unpaid of the amount "occupied" out of the "conducta," they did so at a time when they could not foresee that the remnant of the reaction would turn refractory, and oblige them to enter upon an expensive campaign, which would upset all their financial calculations.

Notwithstanding this, however, they have made every kind of

sacrifice, monetary and otherwise, to keep intact this special debt—to an extent, indeed, that has left them in possession of but a small available surplus. No one who does justice to the Mexican nation can refuse to acknowledge the exemplary manner in which she has endeavoured to satisfy her creditors to the unstable disparagement of national interests.

The actual amount assigned for the payment of the foreign debt during the residence of the Constitutional Government at Vera Cruz, and that, too, at a time when the re-establishment of peace was being laboriously worked out, and when, consequently, the country could ill-sustain the heavy demands made upon it, speaks volumes in itself.

The little faith manifested by his Excellency Sir Charles Wyke as to the results of the financial law, and the small value he puts upon the guarantees it gives to foreign creditors, do not seem to be shared in by the parties themselves who are interested in the Diplomatic Conventions, since it is only within the last few days that Government had all but concluded an arrangement with them, the basis of which would not have interfered with their present rate of interest, but it could not be perfected owing to Her Majesty's Envoy Extraordinary having refused to sanction it.

The same may be said of the creditors in the matter of the Laguna Seca "conducta." Guided by natural instinct—so infallible a rule where individual interests are concerned—they did not, like Sir Charles Wyke, entertain any doubts about the prudence and sincerity of the Government. And touching these said doubts, amounting, as they do, to an insult, his Excellency will permit the Undersigned to exhort him to commune with his conscience, and ask it whether or not the tone of his Excellency's last communication is such as should be used by a creditor, calling himself generous and indulgent, towards a friend who is in his debt, and overwhelmed by difficulties.

It cannot escape the enlightened understanding of his Excellency the Representative of Great Britain that, in demanding from the Government of the Undersigned the withdrawal, within 48 hours, of the late decree, he simply demands an impossibility. Neither could the Government initiate the withdrawal, for it would be equivalent to initiating the reign of anarchy and a general dissolution of society; nor could Congress, who had carried this law almost by acclamation, and who were convinced of its vital importance to the Republic, listen for a moment to such a proposition.

The protest with which his Excellency Her Majesty's Envoy Extraordinary concludes his note appears to the Undersigned so much the more superfluous, as, in his very first note upon this subject, the Undersigned had, so to speak, also protested, but

against the supposition that the last Act of Congress in any way affected the lawful rights of the persons interested in the public debt.

The Undersigned will further take the liberty of stating, with all due deference and respect to Sir Charles Wyke's sound judgment, that, very far from seeing in the suspension of relations, now announced by his Excellency as representative of Great Britain, an act due to the honour and dignity of England, he thinks it not improbable that all nations who consider the matter impartially will look upon this step as absolutely uncalled for; and he therefore trusts that his Excellency, while awaiting the instructions to which he alludes, will continue his friendly relations to this Government, for the interruption of which there can be no possible cause, while their maintenance will surely contribute to the satisfactory solution of the present difficulty. The Undersigned, &c.

Sir C. Wyke.

MANUEL DE ZAMACONA.

(Inclosure 9.)—*Señor Zamacona to Sir C. Wyke.*

(Translation.)

Mexico, July 26, 1861.

THE Undersigned, &c., has this moment had the honour of receiving from his Excellency Sir C. Lennox Wyke, &c., the note in which his Excellency is pleased to announce the suspension of his relations with the Government of Mexico.

Sir Charles Wyke must have received the communication which the Undersigned had the honour of addressing to him at 5 o'clock this afternoon; this will prove the utter absence of any motive for a suspension of relations between the Government of Great Britain and that of the Mexican Republic.

Neither can there be any cause for the resolution taken by Sir Charles Wyke, in the expiration of the 48 hours fixed by his Excellency in his note of the 23rd instant (as the term to be allowed to Government for answering the ultimatum), inasmuch as it was only 7 o'clock in the evening of the 23rd that the above note was received at Government House.

The Undersigned, in calling attention to his last communication, avails, &c.

Sir C. Wyke.

MANUEL DE ZAMACONA.

(Inclosure 10.)—*Sir C. Wyke to Señor Zamacona.*

DEAR SIR,

(Private.)

Mexico, July 26, 1861

I wrote yesterday evening, that is, two hours after th

which I had received a note to —



Minister and myself have been driven to adopt by the extraordinary and unjustifiable conduct of the Mexican Government with reference to the Decree of the 17th instant.

A careful perusal of your above-mentioned note has convinced me that mine of the 23rd, to which it is a reply, has not been properly translated to you, as you put some things into my mouth which I never said, and so twist the sense of others as to give them a totally different meaning from what they really convey.

Passing by this, however, I will only revert to the really essential part of your note, which is the refusal to rescind a financial scheme, the maintenance of which, besides plunging the Republic into further pecuniary difficulties, will have the effect of bringing it into collision with the two first maritime Powers of the world, and that, too, in a quarrel which you have originated, and where, permit me to say, you are quite in the wrong.

As I am in thus writing to you unfettered by the reserve imposed in an official correspondence, I may tell you frankly that you are leaning on a broken reed when you trust to the sympathy of those whose interests Mexico has systematically sacrificed to her own. This is proved by the history of the foreign debt as applicable to the bondholders, which it would be well that you should carefully study, and you will then see that the repeated engagements made with them have up to the present moment always been either entirely evaded or only partially executed, as, for instance, when after consenting to a reduction of interest of from 5 per cent. to 3 per cent. on the condition of receiving certain payments from the duties levied in the Pacific ports, they do not receive one 6*d.* from that source, and are only very partially paid from the Atlantic Custom-Houses.

I will not dwell on the long and dreadful list of murders committed on my unfortunate countrymen, which, with one exception I believe, have remained unpunished from the date of your independence down to the recent dreadful butchery of poor Mr. Beale at Napoles.

Do you think that these lamentable facts are calculated to gain our sympathy or inspire us with confidence in a people who thus violate their engagements with us, and kill our fellow-subjects with perfect impunity?

It is really time that the Government of Mexico should open their eyes to the natural consequences produced by such conduct, and should become aware of the unfavourable opinion entertained of them in Europe.

Whose fault is it that the country has been deluged in blood ever since the declaration of its independence, but that of its own citizens, in constantly making revolutions and carrying on a series

of fratricidal wars amongst themselves, which have reduced one of the finest countries in the world to misery, and so degraded its population as to make them dangerous, not only to themselves, but to everybody coming into contact with them?

You appeal to the generous sentiments of creditors towards an unfortunate debtor bowed down by his difficulties, forgetting that that debtor, with only common prudence within the last 6 months, might at this moment be actually free from debt, had he not wilfully and recklessly squandered the millions he then had at his disposal.

As to the mode of payment proposed to certain British claimants, to which you allude in your yesterday's note, it was so impracticable as to be unacceptable to all of them when its real nature was pointed out to them.

With regard to what you say about the Laguna Seca robbery and the Legation outrage, it is useless for the Mexican Government to deceive itself by calling the former an "occupation of funds," and the latter a deed performed by the "functionaries of the Reaction." The first was a theft, and the second an unheard-of violation of international law, committed by a Government recognized by every European nation, and for both these crimes, as yet unatoned for, Great Britain will surely hold this Republic fully responsible.

I have already extended this letter to an undue length, and must therefore conclude, but before doing so let me again urge you, for your own sakes, to retrieve the fatal error you have made with regard to this Decree, by immediately withdrawing it; for otherwise all official intercourse between this Legation and your Government becomes impossible, and you will remain with the responsibility attaching to an act which, both in form and substance, is perfectly unjustifiable.

Trusting that you will receive what I have now written in the spirit which really dictated these lines, I will take leave of a subject which is a much more serious one than seems to be supposed by the Mexican Government.

In a second note of yours received yesterday, you complained that my note, written at 5 o'clock on the 23rd, only reached you at 7 o'clock on that day, and that consequently, in writing to you yesterday at 5 o'clock, you had had only 46, instead of 48 hours' delay before the suspension of official relations.

This I regret, but it was not my fault, as on both days I despatched my note from here at half-past 5 in the afternoon. In point of fact, however, the two hours thus lost are of no importance, as you refuse to withdraw the obnoxious Decree.

Believe me, &c.

*Señor Zamacona.*

————— C. LENNOX WYKE.

(*Inclosure 11.*)—*Señor Zamacona to Sir O. Wyke.*

MY DEAR SIR, (Translation.) *Mexico, July 27, 1861.*

I HAVE had the honour of receiving your letter of yesterday and I am glad that it gives me the opportunity of asking you to listen once more to the voice of one who is as sincere as he is honourable; of one whose love for his country is only excelled by his love of justice and reason; of one, who is confident that you will be brought to do justice to the intentions of the Mexican Government, for, as if by inspiration, he knows you to be possessed of similarity of sentiment with himself.

It cannot be, that talented and generous as you are, you have yet thought it strange that Government should refuse to withdraw the Decree of the 17th instant. Your conscience must tell you, M. le Ministre, that it is an impossibility you ask of Government, for how could they entertain your proposition? The mere preliminaries for the suspension of a law which had passed Congress would take up more time than what you have allowed for deciding whether or not our official relations were to be maintained. This single fact would account for the position taken up by Government, as well as for their determination to meet boldly dangers and difficulties, even greater than those which you have had the goodness to warn me against.

Such a step as the one you now propose, if taken by Mexico, could not but prove suicidal to her political standing as a nation, for it would be equivalent to the surrender of her Constitution and her sovereignty into the keeping of the foreign Diplomatic body, and that in a matter where my inmost conviction tells me that justice is on our side.

Still, as in the correspondence which has passed between us during the last few days, I had seen the opposite doctrine sustained, and heard the conduct of my Government qualified repeatedly as unjustifiable, I began to distrust my own convictions about equity and common sense, so much so that I sought to justify myself and my country by a reference to international law, and I can only say, now that the work of reference is over, that my former convictions are only the more confirmed.

I perceive, M. le Ministre, that writers on international law hold it to be a general principle, that any change of circumstances, or the positive inability of one of the parties in a contract to fulfil the same, does of itself nullify a bond; and since I likewise, in my turn, may be permitted to avail myself of the advantages of a private letter, I will take the liberty of doing what might be considered in the light of pedantry were I writing to you officially, and make certain quotations which bear upon this question.

Grotius and Corcellus hold, that "the obligation which results

from a compact becomes null and void so soon as its fulfilment becomes impossible." Wheaton too has the following passage: "Treaties may be avoided, even subsequent to ratification, upon the ground of the impossibility, physical or moral, of fulfilling their stipulations. Physical impossibility is where the party making the stipulation is disabled from fulfilling it for want of the necessary physical means depending on himself." In Martens we read, "Physical impossibility in a nation to fulfil treaty engagements absolves it from the obligations of the compact, but not from the obligations to make indemnity, should it be proved that the physical impossibility could have been foreseen, or that it was caused by the nation itself." And Heffter has the following remarkable sentence: "The Contracting Party may refuse to fulfil his engagements, when their fulfilment becomes impossible and is likely to remain so, even though the contract be violated; more especially if private duties, or the rights and well-being of a people are concerned."

I could go on quoting, but I should exceed the limits of this note were I to bring forward the numerous authorities upon this recognized principle of international law.

There is, M. le Ministre, something inexplicably harsh in denying the right of Mexico to the sympathy of her creditors, and in saying that she has systematically sacrificed their interests to her own.

I had already, before receiving your advice, studied the history of the English debt, and my research has shown me that from the very date of the London loan, the Republic has been a loser, its actual loss amounting to something like 8,000,000 dollars; that when bonds were issued in the year 1824 she did nothing less than make good at par what she could have made good at 50 per cent.; that later on she lost several millions in the failure of those British firms who had been mixed up in the business; yet that still, notwithstanding the civil war which has for years been raging in the country, she has made the bondholders such remittances, as cannot but have filled their pockets beyond what could have been expected, considering the circumstances of the country. But this refers solely to the exterior debt, which perhaps has suffered less than anything else from the vicissitudes Mexico has had to undergo, since, at all events, this particular debt has been attended to with something like the very care and method which the Government is desirous of employing in respect to the entire public debt.

While Her Majesty's Legation is talking about the history of the exterior debt, it would be well, if, instead of turning their attention solely to the question of the London loan, which has no diplomatic character whatever, they looked into the matter of the

British Convention and stated frankly who really have been the sufferers in this business, and who have had to make sacrifices and undergo hardships. Let them say, whether or not the Republic has come off scot-free, when in the midst of her difficulties she has gone on punctually paying the assignments of the British Convention, and even increasing the rate of interest on those assignments.

In one of my last official communications I mentioned to you that feelings of delicacy prevented my entering into the details of the Convention question. I can, however, in a private letter call your attention to the kind of elements composing this diplomatic arrangement, and to the consequences resulting therefrom; indeed, it is only a few days ago that an English paper in this capital brought the matter to light, and proved nothing less than that Mexico had been paying for some tobacco concern at the rate of two ounces for each box of cigars.

As to the complaints which you have made about the robberies and murders that of late have been committed in the Republic, though they have not solely been committed upon the persons of Englishmen, but equally upon Mexicans, nobody need have less cause to blush than those who, like the present Government, are giving the most positive proofs of how much they are taken up with this subject, and of their anxiety to put a stop at any price to such atrocities, and who were actually on the point of procuring the means of carrying out their intentions, when those means were protested against by the British Legation.

Who, you ask, is to blame for the present state of affairs, and for the wars which have been desolating the Republic? I will tell you in all frankness, M. le Ministre, and you must not be astonished at what I am going to say.

If, as I suppose, you are well acquainted with what has happened since the date of our independence, you will find that the origin of the evil can be traced to circumstances over which neither our race in general, nor this generation in particular, had any control. It was no work of theirs; while, as for what has taken place within the last few years, foreign Diplomatic Agents are in a great measure responsible for having recognized and given moral support to a handful of rebels who were utterly repudiated by the nation at large. Such, at all events, is public opinion.

In your last letter you still hold to the general but exaggerated notion, that many millions of the late church property have been needlessly squandered away. My opinion upon this point, M. le Ministre, may be considered worth something, for no journalist has advocated more strenuously than I have done the necessity of a proper and organized administration of the property in question: yet I am sure that if the matter were reduced to figures, and the

actual value of the church property put on paper, with the positive depreciation that value has undergone owing to the civil war; and if, moreover, there be taken into consideration the sums paid from this source towards the extinction of the National Debt, the discount at which Government has been compelled to transact their negotiation in order to realize this property, and the surplus which still remains, I am sure, I repeat, that the charge of having squandered away millions will be found exaggerated.

I cannot understand why you should qualify as impracticable the arrangement which the parties interested in the British Convention had entered into with Government. This, or any other analogous one, would be very feasible upon the bases laid down in the Decree of the 17th for the guidance of the Special Finance Committee. This Decree has in no way sacrificed the rights of the public debt; and nothing is asked for either by the Government, the Congress, or the country, but the permission to attempt the pacification of the country, and carry out their administrative reform. They claim but this.

With respect to what you are pleased to say about the conduct of the chiefs of the Federal army in having "occupied" certain funds at Laguna Seca, I will simply ask you whether you conceive the word "robbery" implies the idea of a future indemnity, such as was made voluntarily and at a great sacrifice on this occasion, as is proved by the trifling sum which still remains unpaid?

As for the outrage at the British Legation, I must correct a slight error you have made in referring to this act. It is not true that the authors of this outrage, at the time of its commission, were recognized by the Representatives of friendly Powers.

I thank you, in conclusion, most sincerely for the kind language you employ, while exhorting me to facilitate the renewal of our relations by the withdrawal of the Decree of the 17th instant; but it appears to me that the interest you profess in the matter would have lost none of its weight, and would have gained in dignity, had you accompanied it, by way of incentive, with some proposition for an arrangement not incompatible with the honour of the nation, and less unfeasible than the essentially impracticable one you have already made us.

Hoping that you will have the goodness to consider well the observations I now offer, and flattering myself that they may lead to the re-establishment of our official intercourse, for the interruption of which there is as yet no motive, I beg, &c.

*Sir C. Wyke.*

MANUEL DE ZAMACONA.

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*No. 19.—Sir C. Wyke to Lord J. Russell.—(Received August 29.)*

MY LORD,

*Mexico, July 28, 1861.*

SINCE this day last month, when I had the honour of writing to your Lordship describing the state of affairs in this unfortunate country, matters here have only been going from bad to worse, and every day's experience only more clearly proves the imbecility and bad faith of a Government now generally detested; and against which various conspiracies are on foot.

Marquez, at the head of about 4,000 men, still ravages the country, burning villages and levying contributions, without mercy, on the unfortunate inhabitants of whatever district he passes through, whilst the Government troops, under the command of General Ortega, go running about the country in the hope of catching the rebels, who elude their pursuit apparently with the greatest facility.

On the 28th of last month, Marquez, with a force amounting to nearly 5,000 men, marched upon Real del Monte, at which place there are some very valuable mines belonging to a mixed English and Mexican Company. Having easily overcome the Government troops stationed near the place, his people rushed tumultuously into the village, burst open the doors of the houses, which they pillaged without mercy, ill-treating the inhabitants, and breaking the prison gates in order to liberate more than 90 of the worst criminals in the Republic, who had been condemned to work in the mines. Fortunately no lives were lost, but the surgeon of the company, Dr. Griffin, received a sword-cut through the face, and the 160 English miners employed in the works were all more or less ill-treated, besides being robbed of their property to the amount, in the aggregate, of 8,898 dollars, a serious loss to these poor men, some of whom were thus deprived of their hard-earned savings to the amount of 200 and 300 dollars each. Marquez himself levied a contribution on the Company of 80,000 dollars, besides occasioning them a loss, during the 3 days he stayed there, by the stoppage of works, stealing of horses, &c., amounting to the value of 20,000 dollars.

I inclose copy of a letter dated the 16th instant, which I have only just received, signed by the Director and all the Englishmen employed there, by which your Lordship will see that these poor people write to ask me what guarantee there is for the safety of their lives and property.

Marquez has, I hear, since then threatened another visit to the place for the purpose of levying fresh contributions. Other bands, under Mejia and Velez, hold the roads leading to the interior of the Republic, and carry out the same system of pillage and murder,



having recently razed to the ground the town of Huichapam, and put to death many of its inhabitants.

The horrible murder, at Napoles, of poor Mr. Beale, a British subject, I have already mentioned to your Lordship in a separate despatch, and I need only add, that notwithstanding the incessant applications made to this Government by both myself and Her Majesty's Consul, the murderers remain still at large, ready to destroy the next unprotected foreigner whom they may surprise in an isolated place. The fate of this poor man is like that of Staines, Gibson, Duval, Bodmer, and a long list of others, whose deaths still remain unatoned for and unavenged.

Señor Comonfort, ex-President of the Republic, has arrived at Monterey, in Nuevo Leon, where it is said the Governor has made a "pronunciamiento" in his favour, which will very likely be joined in by the neighbouring States, and probably aided by a party in this capital, who are thoroughly disgusted with the weak and tyrannical government of Señor Juarez.

Señor Llave has taken possession of the Government of Vera Cruz, and this State, it is thought, would immediately separate from the Union in the event of a rupture with foreign Powers.

The general dissolution of all authority in this wretched country has so much alarmed foreigners resident here, that they are obliged to look to their own efforts to protect their lives and properties, and with this object in view are about to arm and organize themselves into a compact body for mutual defence. This measure has been sanctioned by their several Representatives, and consented to by the Government, on the express condition stipulated for by my colleagues and myself—that they were to remain strictly neutral in all the quarrels of the nation, and only act against those who actually attacked them.

I have, &c.

Lord J. Russell.

C. LENNOX WYKE.

No. 21.—*Earl Cowley to Earl Russell.*—(*Received September 7.*)  
(Extract.)

*Paris, September 5, 1861.*

M. TROUVENEL said that he was so desirous of acting in complete unison with Her Majesty's Government in Mexican affairs, that he had determined on furnishing M. Dubois de Saligny with instructions completely identical with those transmitted by your Lordship to Sir Charles Wyke.

His Excellency then requested me to ask your Lordship whether it might not be advisable to ask the association of the Spanish Government in any measures which might be taken with regard to Mexico. His Excellency observed that should a hostile demonstra-

tion become necessary, Spain possessed resources at the Havana, which might be of great assistance to Great Britain and France.

*Earl Russell.*

COWLEY.

*No. 22.—Earl Russell to Sir C. Wyke.*

SIR,

*Foreign Office, September 10, 1861.*

WITH reference to your despatch of the 11th of July, reporting the murder of Mr. Beale, and to your despatch of the 28th of that month, inclosing a representation from British miners at Real del Monte, I have to state to you that such atrocious outrages upon life and property committed towards British subjects cannot be extenuated by any condition of anarchy or civil war which may exist in Mexico, and that Her Majesty's Government must hold the Mexican nation answerable for such infamous proceedings.

I am, &c.

*Sir C. Wyke.*

RUSSELL.

*No. 23.—Earl Russell to Sir C. Wyke.*

SIR,

*Foreign Office, September 10, 1861.*

I HAVE received your despatches of the 26th and 28th of July, and I have to convey to you the entire approval of Her Majesty's Government of your conduct as therein reported.

The suspension for two years of all payments in discharge of debt, at a time when the Mexican Government can afford to spend 6,000,000 dollars in 6 months, is a shameless breach of faith, which cannot be in the slightest degree excused by the pretences put forward by Señor Zamacona in its defence.

Señor Zamacona asserts that the present Government of Mexico are actively employed in maintaining internal and social order, in reorganizing the administration of the Republic, in introducing rigid economy into all the branches of the public service, and in vigorously putting an end to the civil war and restoring internal peace to the country. But it is notorious that every one of these assertions is directly the reverse of the truth. It is well known that life and property are nowhere safe, not even in the streets of the capital; that the Administration is as corrupt and as reckless of any interests but their own personal advantage as any that has heretofore governed in Mexico; that great anarchy and disorder prevail in all the departments of the Government; and that so far from their having applied the resources of the State to a vigorous suppression of the civil war, the opposite party under the adherents of Miramon were, by the last accounts, in great force within a short distance of the capital, and not unlikely to become its masters.

Her Majesty's Government, it is needless to say, cannot accept such excuses for the wrongs of which Her Majesty's subjects in

Mexico have been the victims, and therefore, if the proposals contained in my despatches of the 21st ultimo are not accepted by the Mexican Government, you will finally break off relations, and put yourself in communication with Rear-Admiral Milne, who will receive instructions from the Admiralty on this subject.

I am, &c.

Sir O. Wyke.

RUSSELL.

No. 25.—*Earl Cowley to Earl Russell.*—(Received September 18.)  
(Extract.) *Paris, September 17, 1861.*

I met the Spanish Ambassador at M. Thouvenel's this morning, who immediately turned the conversation on the affairs of Mexico, expressing the hope that the Governments of Great Britain, France, and Spain, would concert measures for common action in order to obtain the satisfaction due to them from the Mexican Government.

I replied to M. Mon that I had heard from M. Thouvenel that the Spanish Government had the intention of acting alone in this matter, and had already given orders for the occupation of Vera Cruz and Tampico; that having transmitted this information to Her Majesty's Government, Sir John Crampton had been instructed to make inquiries of the Spanish Government, and that Marshal O'Donnell had denied that any orders of the kind had been given; I should be glad, therefore, to understand how this matter really stood.

M. Mon replied that I must be aware that the Spanish Government had more than once meditated the employment of force to obtain the satisfaction due to them in Mexico, but that they had much rather act in concert with Great Britain and France. It would only be in case of the refusal of those two Powers to co-operate with Spain that she would proceed to act alone.

I related to M. Thouvenel what had passed between myself and M. Mon, observing that the Spanish Ambassador's language to me did not quite tally with what his Excellency had stated, the last time I had seen him, had been M. Mon's language to himself.

M. Thouvenel answered that he had not intended to convey more to me than that orders had been transmitted to the Havana to make every preparation for an expedition against Mexico, the Spanish Government hoping to employ it in co-operation with British and French ships. M. Thouvenel proceeded to express the hope that Her Majesty's Government would not refuse this co-operation, observing that 8,000 Spanish infantry could be sent from the Havana.

I should mention that when the Spanish Ambassador urged the joint action of the 3 Governments, I stated to him the value which Her Majesty's Government must attach to freedom of religious pro-

fession and worship. M. Mon said that he considered that questions of that nature ought to be left to the decision of the Mexican Government. He abjured at the same time, on the part of Spain, all desire to impose any particular Government on Mexico; all she desired was a Government chosen by the Mexicans, which would make itself respected and would scrupulously fulfil engagements taken with foreign Powers.

*Earl Russell.*

COWLEY.

*No. 26.—Sir J. Crampton to Earl Russell.—(Rec. September 22.)*

MY LORD,

*San Ildefonso, September 18, 1861.*

IN a late conversation with Marshal O'Donnell, his Excellency spoke of the present deplorable condition of Mexico.

Spain, he remarked, had suspended her diplomatic relations with the Mexican Government, and he perceived both France and England had taken the same step. But would this be sufficient? He thought not. The motives of the three Governments in following this course were evidently the same, viz., to enforce redress for the intolerable wrongs inflicted upon their respective subjects by the anarchical Governments which succeeded each other in that distracted country.

It appeared to him, therefore, to be both possible and very desirable that England, France, and Spain should come to an understanding as to the adoption of some common course in enforcing upon Mexico the observance of her international duties.

"With respect to Spain," the Marshal added, "the number of our subjects in Mexico is so great, and the interests involved so considerable, that I have no hesitation in telling you that we, at all events, must take decided measures to protect them. In short, we shall go there, not certainly with any view of conquest or exclusive advantage, but for the protection of our rights.

I observed that I was not at present in possession of the precise views of Her Majesty's Government as to what had lately taken place in Mexico, or the remedies which would be applicable to what seemed an almost hopeless state of affairs. I was, however, aware that British subjects had suffered repeated acts of oppression and denial of justice in Mexico, and I had seen it reported that our diplomatic relations with that country had been suspended. I would not fail, consequently, to acquaint your Lordship with what had now fallen from his Excellency on this matter.

On pursuing the subject I did not find Marshal O'Donnell prepared to suggest any definite plan of action on the part of the Powers whose joint intervention he recommended. His Excellency remarked, however, that the notion which had at different times been put forward of establishing by foreign intervention a Constitutional Monarchy in Mexico was, in his opinion, very chimerical, and he

likely to concur in the justness of a remark which I made to this matter, viz., that any engagement which should lead, France, and Spain to a permanent intervention or of any sort in the internal affairs of a country so situated would be liable to grave objections.

I am the more particular in drawing your Lordship's attention to the opinion of Marshal O'Donnell because a large portion of the Press has lately been advocating an intervention of this kind and the establishment of a monarchy in Mexico, and indulging in speculations as to the recovery by Spain of her ancient colonies in America and the "Indies."

I have, &c.

Yours faithfully,  
J. Russell.

JOHN F. CRAMPTON.

Sept. 27.—*Sir J. Crampton to Earl Russell.*—(Recd. September 22.)  
My Lord, San Ildefonso, September 16, 1861.

UPON the receipt of your Lordship's telegram of the 14th instant, informing me that Lord Cowley had reported that the Spanish Ambassador at Paris had announced that the Captain-General of Cuba had been ordered to take possession of Vera Cruz or Tampico for the protection of Spanish interests in Mexico, and that the Spanish Government at the same time proposes to act in concert with England and France, I immediately waited upon Marshal O'Donnell, and requested him to inform me whether this announcement had been made.

His Excellency replied that, with respect to the desire of Spain to adopt a common course with France and England for obtaining satisfaction from Mexico for the wrongs inflicted upon their respective subjects, both M. Mon and M. Isturiz had been instructed in the same terms to express this desire to the French and British Governments; and to add that if those Governments declined to adopt the course proposed, Spain would, nevertheless, feel it necessary to take, singly, such measures as might be necessary to vindicate her rights. As regarded the statement that the Captain-General of Cuba had been ordered to take possession of Vera Cruz or Tampico, or to undertake any military operation against Mexico, it must have originated in a misapprehension, because he could assure me that no such orders had been given.

It was the wish of the Spanish Government, the Marshal added, to act in concert with France and England in regard to this matter, and he had desired to ascertain the disposition of the two Governments to do so, previously to deciding upon the measures which would be necessary to effect the object in view.

All that the Spanish Government had done, therefore, was to take such preparatory measures as were necessary to place the

a position to act efficaciously when the proper time came. With this view orders had been given to reinforce the garrison of Cuba by an addition of 4,000 troops, and to increase the naval force of Spain in the West Indies. The amount of the army in Cuba would be raised to about 25,000 men, and the naval force (the present amount of which his Excellency did not mention) would be increased by the presence of the four screw-frigates in which it was proposed to embark the troops from Spain. Two of these frigates were now about to sail, the remaining two would be ready at the end of the present month.

With regard to military operations against Mexico, the Marshal remarked that nothing could be undertaken before the commencement of November. The yellow fever prevailed at Vera Cruz and other parts of the coast during the present month, and the hurricanes which never failed to take place in the Gulf of Mexico during the equinox put any such operations out of the question before that period. There would, consequently, be ample time for the Spanish Government to ascertain whether the French and English Governments were disposed to act in concert with them, and to take measures for so doing in case those Governments should agree to adopt that course.

I have, &c.

*Earl Russell.*

JOHN F. CRAMPTON.

*No. 28.—Lord Lyons to Earl Russell.—(Received September 28.)*

MY LORD,

*Washington, September 10, 1861.*

MR. SEWARD told me this morning that he had authorized The United States' Minister in Mexico to conclude a Convention with that Republic, in virtue of which The United States should assume the obligation to pay 3 per cent. interest on the foreign debt of Mexico, during the period for which the payment of the interest on this debt is suspended by the recent Decree of the Mexican Government. The lands, minerals, &c., of certain provinces of Mexico were to be pledged to The United States as a guarantee that Mexico would repay to them, with 6 per cent. interest, the sum which they would thus advance for her.

The particulars of the scheme were, Mr. Seward said, to be communicated to the Governments of Great Britain and France, and the validity of the Convention was to be conditional upon those Governments engaging not to take any measures against Mexico to enforce the payment of the interest of the loan, until time had been given to submit the Convention to the ratification of The United States' Senate at the session which begins in December next. It was also to be a condition, that if the Convention should be ratified by The United States' Senate, Great Britain and France should

engage not to make any demand upon Mexico for the interest, except upon its failing to be punctually paid by The United States.

The inducement to The United States to take upon themselves the payment appeared to be the extreme importance to them of the independence of Mexico. So far as I could ascertain, the instructions to the American Minister with regard to this Convention do not direct him to propose an alliance offensive and defensive between the two Republics, nor, indeed, any other stipulations than those I have mentioned.

I have, &c.

*Earl Russell.*

LYONS.

*No. 29.—Earl Russell to Sir J. Crampton.*

SIR,

*Foreign Office, September 23, 1861.*

WITH reference to the affairs of Mexico, I have to state to you that it is most desirable that complications in this question should be avoided.

Certain rights on the Customs of Vera Cruz and Tampico have been secured to Her Majesty's Government by Convention.

To secure these and other rights the Government of Mexico has been invited to give the control of those Customs to British Commissioners, who, it is understood, should also pay to other nations the sums due to them, and secured on the same Customs.

No orders have as yet been given by Her Majesty's Government for the employment of force in Mexico, and they would be glad to know if the Spanish Government will agree to postpone their action till England and France can have time to confer as to acting in concert.

I am, &c.

*Sir J. Crampton.*

RUSSELL.

*No. 30.—Earl Russell to Earl Cowley.*

MY LORD,

*Foreign Office, September 23, 1861.*

THE COUNT DE FLAHAULT has communicated to me the substance of a despatch from his Government on the affairs of Mexico.

In this despatch M. Thouvenel, referring to the instructions recently given by the two Powers to their Representatives in Mexico, and which, if the demands presented therein to be made on the Mexican Government are acquiesced in, will admit of the resumption of official relations on their part with the Government of the Republic, proceeds to say that it is necessary to provide for the two contingencies, of a refusal on the part of the Mexican Government, or of the overthrow of the Juarez Government before the English and French Ministers receive their instructions.

M. Thouvenel then adverts to the measures of coercion to which, in the first case, the two Governments might have recourse, and to the importance of coming to an early understanding on that point;



and he goes on to say that, even supposing the second contingency to be realized, the two Governments would, nevertheless, have to devise means for obtaining redress of grievances, and for ensuring the payment of the debts which have been formally acknowledged.

M. Thouvenel is, however, of opinion that the two Governments should carry their common understanding still further, and devise means for promoting the political reorganization of Mexico; and M. Thouvenel expresses his willingness to take as a basis the measures formerly suggested by Her Majesty's Government as affording the best means of arriving at the pacification of the country, namely, the publication of a general amnesty, and the convocation of an Extraordinary Congress. He expresses his opinion, however, that the Cabinet of Madrid should be invited to concur in the course to be taken by the two Powers, and that the Cabinet of Washington should also have the opportunity afforded to it of joining the other Powers.

Finally, M. Thouvenel adverts to a communication just made to him by the Spanish Ambassador of the intended despatch of a Spanish force from the Havana to the coast of Mexico, and of the readiness of the Court of Madrid to act in concert with France and England.

Upon this matter I wish you to observe to M. Thouvenel that the demands of Great Britain upon Mexico are founded upon two principles :

1st. The right to require security for the lives, and respect for the property, of British subjects in Mexico.

2nd. The right to exact the fulfilment of obligations contracted towards Great Britain by the Government of Mexico.

On these two principles are founded the claims urged by Sir C. Wyke. The British Government is ready to prosecute these claims by its own means, or to join with other Powers who have claims founded on similar principles regarding their own subjects.

Her Majesty's Government are glad to find by M. Thouvenel's despatch that the Government of His Imperial Majesty takes the same view of this matter, and Her Majesty's Government will willingly enter into concert with the Government of France as to the course to be pursued. Her Majesty's Government also fully concurs with M. Thouvenel in thinking that before any active steps are taken in this matter by the European Powers, an offer of co-operation ought to be made by them to the Government of The United States. The interest of The United States in the peace and prosperity of Mexico is such that Her Majesty's Government agree with M. Thouvenel in thinking that full communication should be made to The United States' Government.

It does not appear that the Spanish Government have as yet

sent any precise orders for the immediate employment of their forces in Mexico. There is, therefore, time for deliberation and concert.

With respect to the measures to be taken for the future peace and tranquillity of Mexico, Her Majesty's Government are ready to discuss the subject with France, Spain, and The United States. But it is evident that much must depend on the actual state of affairs at the time when our forces may be ready to act on the shores of Mexico. The measures suggested some time ago by Her Majesty's Government appear to be inapplicable to the present state of affairs.

I am, &c.

Earl Cowley.

RUSSELL.

*No. 31.—M. Isturiz to Earl Russell.—(Received September 24.)*

MY LORD, (Translation.) London, September 23, 1861.

THE despatches which I have lately received from my Government announce to me an important fact.

The injuries which the Republic of Mexico seems determined to inflict upon us being unceasingly repeated, and all the measures of consideration which Spain is always inclined to adopt, so far as honour will permit, having been exhausted, the Government of the Queen my august Sovereign has at length resolved to obtain by force the reparation that is due to it.

The despatches of my Government also inform me that Sir John Crampton, the Representative of Great Britain in Madrid, is already aware of this resolution, and of the sentiments which dictate it, so that I might also dispense with communicating it to your Excellency.

However, it has appeared proper to me not to omit it so that your Excellency may be fully informed of this affair through the most direct channel.

The Government of the Queen my mistress has therefore made arrangements to operate energetically in Mexico, and hopes to obtain the satisfaction that it claims, although it does not disguise from itself that the result of any demonstration of this sort would be more permanent if other Governments, those of England and France for example, having injuries to avenge, should think proper to unite their forces to those of Spain.

A combination of this kind would perhaps avert the repetition of such scandals, and contribute to the recognition by the Mexicans of the necessity of constituting a Government which would give security at home, and sufficient guarantees abroad.

With this object, I have, &c.

Earl Russell.

XAVIER E ISTURIZ.

*No. 32.—Earl Cowley to Earl Russell.—(Received September 26.)*  
 (Extract.) *Paris, September 24, 1861.*

I HAD the honour to receive, this morning, your Lordship's despatch of yesterday's date, giving me the substance of a communication which had been made to you by Count de Flahault on the affairs of Mexico, and stating the willingness of Her Majesty's Government to concert with the French and other Governments recognizing the same principles of action as Her Majesty's Government, the course which should be pursued by them in that country.

M. Thouvenel on my communicating to him your Lordship's despatch expressed his concurrence in the views of Her Majesty's Government, but he remarked that as your Lordship seemed to be of opinion that the measures suggested some time ago for the pacification of Mexico were inapplicable to the present state of affairs, he should be glad to receive from you the plan of action which you now propose to follow.

I inquired of M. Thouvenel whether he was in possession of any intelligence, either from Washington or from Mr. Dayton, of a proposal made by The United States' Government to that of Mexico with regard to the payment of the interest on the Mexican foreign debt; and finding that no intelligence on the subject had reached his Excellence, I stated to him the substance of Lord Lyons' despatch to your Lordship of the 10th instant. M. Thouvenel expressed the opinion that these proposals of The United States must be dealt with before the other Governments interested in the Mexican question could settle any plan of common action, and he expressed himself very anxious to know the opinion of Her Majesty's Government. It might not be possible, he said, to prevent The United States offering money to Mexico, or to prevent Mexico receiving money from The United States, but neither England nor France ought in any way to recognize the transaction.

I said that I trusted that in case of Mr. Dayton making any representation on this subject, M. Thouvenel would abstain from all reply until I should be in a position to inform him of the views of Her Majesty's Government, and his Excellency promised me to follow this course.

*Earl Russell.*

COWLEY.

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*No. 33.—Earl Russell to Earl Cowley.*

MY LORD, *Foreign Office, September 27, 1861.*

I RECEIVED from Mr. Adams on the 25th instant an explanation of the proposals The United States wish to make to Great Britain and France in the affairs of Mexico.

He said that The United States Government were considerably alarmed at the statements made in the newspapers regarding an

intervention in Mexico, which was supposed to be in the contemplation of Great Britain, France, and Spain.

The United States' Government were aware that Great Britain, France, and Spain, as well as The United States, had many grievances to complain of on the part of the Government of Mexico. But a direct intervention with a view to organize a new Government in Mexico, and especially the active participation of Spain in such an enterprise, would excite strong feelings in The United States. It would be considered as that kind of direct interference in the internal affairs of America to which The United States had always been opposed. In fact, there was a sort of understanding that so long as European Powers did not interfere in America, The United States might abstain from European alliances; but if a combination of Powers were to organize a Government in Mexico, The United States would feel themselves compelled to choose their allies in Europe, and take their part in the wars and Treaties of Europe.

The United States' Government thought that such a necessity would be avoided if Great Britain and France would accept the payment of interest, by The United States, of the debt due by Mexico to Great Britain and France, this advance to be continued only for a time till Mexico should be able to defray her own obligations.

I replied by relating to him, in the first place, what had taken place in Mexico itself. I then stated the overture of M. Thouvenel, including the proposal to make offers to the Government of The United States to act in co-operation with us on this subject. That we had replied we had but two objects in view:—1. Security to the persons and property of British subjects. 2. The fulfilment of all the obligations of Mexico to Her Majesty. Mr. Adams, I continued, would see that our demands embraced not only the payment of interest on a debt which might be settled by naming a fixed sum, be it more or less, but also comprehended satisfaction for the injuries done to British subjects. That we could hardly transfer these obligations to The United States without raising an infinite number of questions of detail upon which Great Britain and Mexico would have to appeal to the equity of The United States. That I thought it the interest of our two countries to have as few entangling questions and clashing interests as possible. I should be afraid that our friendly relations might be endangered if we increased the number of points upon which we might come into collision. That, without giving him a final answer, I could tell him at once that I thought the proposition of his Government open to very grave objections.

Without entering further upon its merits, however, I had a

counter-proposition to make which I thought deserved the serious consideration of his Government, to whom I begged it might be submitted.

I was as apprehensive as he was of an attempt to build upon the foundation of debts and injuries a claim to organize a new Government in Mexico. That I was convinced that, of all countries, Mexico was the one where intervention in its internal affairs would bring the most severe disappointment upon its authors. That the factions in that country were too hostile to each other, and too sanguinary in their tempers, to be reconciled by a small force of Europeans in the name of order and moderation. But might not the evils we both feared be guarded against by defining terms of co-operation with Spain which would exclude interference in the internal affairs of Mexico? Would not this be a better course than leaving Spain to seek her own vindication, and afterwards opposing the results of her operations?

I read to Mr. Adams parts of Sir John Crampton's despatch of the 13th instant, to show him that Marshal O'Donnell was by no means desirous of undertaking the re-conquest of the Indies.

Mr. Adams promised me that he would communicate this view to his Government.

Her Majesty's Government are of opinion that if any combined operations are to be taken against Mexico, they should be founded on these two bases:

1. The combined Powers of France, Great Britain, Spain, and The United States, feel themselves compelled, by the lawless and flagitious conduct of the authorities of Mexico, to seek from those authorities protection for the persons and property of their subjects and a fulfilment of the obligations contracted by the Republic of Mexico towards their Governments.

2. The said combined Powers hereby declare that they do not seek any augmentation of territory, or any special advantage, and that they will not endeavour to interfere in the internal affairs of Mexico or with the free choice of its form of government by its people.

You will read this despatch to M. Thouvenel, and give him a copy of it.

I am, &c.

*Earl Cowley.*

RUSSELL.

*No. 35.—Earl Russell to Sir J. Crampton.*

SIR,

*Foreign Office, September 27, 1861.*

I inclose a copy of a note which Mr. Isturiz has sent me.

Her Majesty's Government have many injuries to complain of regard to Mexico, especially the atrocious robbery committed in the

house of Her Majesty's Legation at Mexico, and against which the Spanish Minister in Mexico protested in vain.

Her Majesty's Government would willingly co-operate with those of France and Spain in enforcing redress for these wrongs. There are, however, two conditions which Her Majesty's Government deem essential :

The first is, that the co-operation of The United States should be invited.

The second is, that the combined Powers should not interfere by force in the internal government of Mexico.

Her Majesty's Government would be happy to see the Mexicans constitute a Government "which would give security at home, and sufficient guarantees abroad." But Her Majesty's Government are persuaded that any attempt to effect this desirable purpose by foreign arms would fail in its purpose. If the force were Spanish, one of the contending parties would be fiercely opposed to it; if it were English, the opposite party would be as strongly its antagonist; nor is any other foreign force likely to be received with favour. The Mexicans themselves can alone put an end to the anarchy and violence which have torn Mexico to pieces during the last years.

I trust this view is in accordance with the sentiments of the Duke of Tetuan and the Government of Her Catholic Majesty.

I am, &c.

*Sir J. Crampton.*

RUSSELL.

*No. 88.—Earl Russell to Sir C. Wyke.*

SIR,

*Foreign Office, September 28, 1861.*

I HAVE to state to you, with reference to my despatches of the 21st of August and of the 10th of September, that if circumstances should have caused you to quit the territory of the Mexican Republic, you are at liberty to use your own discretion as to the direction in which you shall proceed, keeping, however, in the neighbourhood of Admiral Milne, and having means of ready communication with him.

You will of course give notice to Rear-Admiral Milne; but that officer will not yet have received the instructions from the Admiralty to which I alluded in my despatch of the 10th of this month, inasmuch as Her Majesty's Government are still in communication with the Governments of other Powers having similar interests in Mexico to those of this country, as to the course which should be pursued under the existing state of things in that Republic.

I am, &c.

*Sir C. Wyke.*

RUSSELL.

*No. 89.—Sir C. Wyke to Lord J. Russell.—(Rec. September 29.)*  
**MY LORD,** *Mexico, August 8, 1861.*

IN the postscript of my despatch of the 26th ultimo, I stated that I should merely acknowledge receipt of the private note I had just received from Señor Zamacona, but on reflection I thought it better not to leave unanswered the false and incorrect statements it contained, and I therefore replied to him on the 30th ultimo, copy of which note I have now the honour to inclose for your Lordship's information.

I have, &c.

*Lord J. Russell.*

C. LENNOX WYKE.

*(Inclosure.)—Sir C. Wyke to Señor Zamacona.*

**(Extract.)** *Mexico, July 30, 1861.*

I CAN really see no good reason for continuing a correspondence which cannot in any way alter, as you seem to suppose it may do, the resolution I have adopted to suspend all official relations with your Government; yet, out of courtesy to one so well entitled to it as yourself, I will not leave unanswered your note of the 27th, with the premise, however, that having fulfilled this duty, all further communications relative to this matter must cease.

It is remarkable, that mutually desirous as we are of stating the truth, we should each feel the greatest astonishment at the other's entertaining so diametrically opposite an opinion upon a subject which, on being calmly considered, can only be looked at in one point of view.

If you feel surprise that I should have demanded the repeal of the Decree of the 17th instant, how much greater must mine have been on finding that your Government had dared to issue it without consulting with me as the Representative of that Power which was the other Contracting Party to a Convention which said Decree shamefully violated.

I cannot appreciate the false pride which, according to what you state, was the principal reason for not complying with what I demanded, for when either a nation or an individual is in the wrong, it is not dishonourable to confess it, and to offer reparation for the offence given. Had your Government withdrawn the Decree, they would not have been disgraced by giving way, as you assert, to the dictation of foreign diplomacy, but they would simply have retrieved a false step, and, in doing so, relieved themselves from an amount of responsibility of which at present they seem to have no idea.

In order to sustain your argument you make a number of quotations from various authors who have written on international law; but apart from the fact that such quotations are valueless without their context, there is one amongst them that directly condemns a measure which you have always said was meant to relieve the State



from its pecuniary difficulties. De Martens, you say, states that the party violating an engagement is liable to indemnify the other party where such breach of contract has been caused by the offender's fault.

Now, the Government of President Juarez on coming to power was possessed of ample means to liquidate all the engagements binding on the Republic, but by their wilful recklessness and want of common prudence they dissipated their resources, and then fell into the difficulties from which they are now vainly endeavouring to extricate themselves by repudiating their obligations; they therefore clearly become liable to indemnify Great Britain, and thus, as I have all along told you, you aggravate instead of mitigate the evil of your poverty by the Decree of the 17th.

You go on to say that many of your misfortunes have been occasioned by Diplomatic Agents here having acknowledged a Government which you dislike, and in reply I can only once more observe that such agents were obliged, on the principle now universally recognized, to acknowledge a real *bonâ fide de facto* Government holding the capital and the archives of the nation.

As for your remarks about church property, let me remind you that it is difficult to overcome the inexorable logic of facts by a few well-turned phrases; we all know what that property was, and we are now equally well aware that your Government is in a state of penury, and with respect to the means proposed for paying the English claimants I thought I had already told you that they had been condemned on reflection by the parties themselves, and not through any obstacle that I had thrown in the way.

In the matter of the Laguna Seca "conducta," I repeat that I am justified in calling robbery the act of taking by force that which belongs to another and not returning it; promises and fair words go for nothing in such a case as this: and I also beg again to assert that the Government which committed the Legation outrage was a *de facto* Government recognized by the Agents of European Powers resident here.

Under these circumstances, and with the greatest desire to meet your wishes, allow me here to observe that I can really find nothing in your note but what confirms me still more in a resolution forced on me by the obstinacy of your Government, and which my duty likewise absolutely compelled me to adopt.

If you had studied the history of the Mexican debt to the English bondholders with the attention that it really deserves, you would have learnt that the latter have in reality sacrificed, in order to relieve the Republic at various times, the enormous sum of upwards of 59,000,000 dollars. The last great concession made was in 1860, when the interest was reduced from 5 to 3 per cent., a

transaction which your own financial Agent, Señor Payno, boasts of in his statement of 1852 as having benefited the Republic to the amount of 25,581,570 dollars.

You have further thought fit to attack the nature of the British Convention, and I must therefore remind you that it was founded entirely on British claims the justice of which the Mexican Government acknowledged in signing that Act, and that if a great many of the bonds are now held by Mexicans instead of Englishmen it has so come about in the natural course of money transactions on 'Change, where bonds and shares pass from hand to hand according to the wants of buyers and sellers.

With regard to what you say in reply to my complaint of so many Englishmen having been butchered with impunity by your countrymen, it is no satisfaction to me to learn as a set-off that some Mexicans have also been murdered by their fellow-citizens without the crime having been punished.

These crimes and the senseless wars carried on here since the declaration of your independence are to be attributed to the bad passions of a vitiated population, which alone can be held responsible for a state of things unparalleled in the annals of the civilized world.

I cannot, in justice to myself, conclude this letter without telling you frankly that I consider the mere fact of my having under existing circumstances expressed an interest in the solution of the present question ought to have saved me from the reproof of having proposed to your Government what was incompatible both with my own and their dignity; and excuse me for adding that such a proposition as I have made to you does not necessarily become undignified and impracticable simply because you, an interested person, are pleased to say so.

*Señor Zamacona.*

C. LENNOX WYKE.

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*No. 40.—Sir C. Wyke to Lord J. Russell.—(Rec. September 29.)*  
(Extract.)

*Mexico, August 12, 1861.*

IN my despatch of the 27th of May last I pointed out to your Lordship the nature of the terms accepted by Mr. Mathew on his recognition of the Juarez Government, for the repayment of the 660,000 dollars robbed from the British Legation in the month of November last, by which that Government promised to reimburse the money so stolen by confiscating, for that purpose, the private property of all those persons found guilty, by a legal sentence, of participating in that outrage.

The inclosed extract from Saturday's "Estafette" gives an account of the sentence which has been passed on 3 of the persons implicated; viz., Don Isidro Diaz, Francisco Montéro, and Teofilo

Marin, the first of whom was Minister of Justice and Legal Adviser to General Miramon.

The wretched quibble by which the accused are declared innocent of robbery, while found guilty of "occupying" funds belonging to the English bondholders, is quite in character with all that is now occurring here, and proves the utter degradation of a Government whose judges even make use of a slang phrase, such as "ocupacion" has become, in order not to employ the word properly qualifying a crime which, instead of punishing, they seek to palliate by such unworthy means.

This sentence will, of course, have the effect of absolving Marquez and all others implicated in the robbery, as it frees them from the danger of criminal prosecution for what is now designated as merely a civil misdemeanour, the only punishment for which is dismissal from offices long ago forfeited by all the parties engaged in this affair.

As far as we are concerned, therefore, in our relations with the Mexican Government the case stands thus :

They deny their responsibility for any acts of their predecessors, whose private property they say should be confiscated to repay the money stolen ; and when measures are apparently taken for that purpose, the judge who tries the case declares that the accused are only guilty of a misdemeanour, and, therefore, that their property is safe from confiscation for so trifling an offence, for which they can only be proceeded against by civil process, as for the recovery of a debt, which, under the circumstances, would be an absurdity. We thus neither obtain justice or compensation, unless Her Majesty's Government are determined to obtain both, by employing the only means likely to succeed with a Government so utterly unprincipled as this.

*Lord J. Russell.*

C. LENNOX WYKE.

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*(Inclosure.)—Extract from the "Estafette" of August 10, 1861.*

**LES PROCES POLITIQUES.**—Le Juge de District a rendu sa sentence dans le procès intenté à MM. Isidro Diaz, Francisco Montero, et Teofilo Marin. L'acquiescement a été prononcé sur le chef de vol des fonds de la Convention Anglaise.

Les considérans sur lesquels s'appuie cette décision judiciaire méritent d'être connus ; aussi reproduisons-nous ici le texte de la sentence :

"Juzgado de District de Mexico.—En la ville de Mexico, le 8 Août, 1861, le citoyen Licencié Jesus Maria de Herrera, deuxième Suppléant de Juzgado de district de la capitale de la République : vu les pièces du procès intenté à MM. Francisco Montero, Isidro Diaz et Teofilo Marin, pour vol des fonds de la Convention Anglaise

(tels sont les termes contenus dans l'acte d'accusation) commis le 17 Novembre, 1860, dans la maison située Rue de Capuchinas et portant le No. 11, a déclaré :

“ Considérant que la saisie (‘ ocupacion ’) de fonds publics ou particuliers exécutée par des individus qui sont en état de rébellion contre le Gouvernement légitime, ou, en d’autres termes, que le fait de s’emparer par la violence de valeurs appartenant à des particuliers ou à des corporations, aux Etats ou au Trésor public de la Fédération, constitue un cas expressément prévu par les lois du pays, et notamment par la Loi du 22 Février, 1832, déclarée en pleine vigueur par l’Article LVIII de la Loi du 6 Décembre, 1856, prescrivant les peines encourues pour délits contre la nation, contre l’ordre et la paix publique ;

“ Considérant que ces faits entraînent pour leurs auteurs et les complices de ces derniers, non la responsabilité criminelle, mais une responsabilité purement civile, (‘ responsabilidad puramente civil ’) attendu que la susdite Loi de Février, 1832, se borne à les déclarer responsables solidairement dans leurs biens propres (‘ responsables de mancomun in solidum con sus bienes propios ’), sans autre peine que la perte des honneurs et des emplois dont, au moment de consommer la saisie (‘ ocupaciones ’) jouissaient les individus en révolte contre le Gouvernement ;

“ Considérant qu’en raison de ce qui précède, il existe une différence substantielle entre les saisies (‘ ocupaciones ’) de fonds publics ou particuliers opérées par les agents de la rébellion dans le but de favoriser et soutenir celle-ci, et les vols commis par des individus n’ayant pas ce caractère et n’ayant d’autre but que de tirer un avantage personnel de l’argent dont ils s’emparent ; attendu que le premier cas constitue simplement un délit politique qui aux yeux de la loi n’a d’autre conséquence que la responsabilité purement civile (‘ responsabilidad puramente civil ’), tandis que le second constitue un délit de l’ordre commun qualifié de vol et dont les auteurs et leurs complices sont désignés sous le nom de voleurs (‘ ladrones ’) et méritent les peines qui résultent non seulement de la responsabilité civile mais des délits criminels ;

“ Considérant comme étant compris dans la première catégorie la saisie des fonds destinés au paiement des créanciers Anglais, exécutée par ordre des Chefs rebelles Miramon et Marquez, le 17 Novembre, 1860, dans la maison portant le No. 11 de la Rue de Capuchinas de cette ville, attendu que ce fait a tous les caractères définis par la Loi du 22 Février, 1832 ;

“ Considérant que, en raison de ce qui précède, les auteurs et complices de la saisie doivent être considérés simplement comme passibles de la responsabilité civile (‘ responsabilidad civil ’) pour le seul fait de la saisie, dans les termes indiqués par la susdite loi,

attendu que la responsabilité criminelle ne résulte que des délits de l'ordre commun qui ont pu se commettre à l'occasion de la saisie, soit qu'ils consistent dans la violence exercée contre les personnes en les maltraitant, en les blessant, ou en leur donnant la mort, soit qu'ils se rapportent aux choses, en forçant les serrures, en brisant les coffres ou en violant les scellés destinés à protéger les valeurs saisies ;

“ Considérant qu'il résulte, soit du procès-verbal inscrit aux feuillets 7, 8, 9, et 10 du dossier principal, et dressé par 'l'escribano Negreiros' sur les faits qui se passèrent lors de l'occupation des fonds des créanciers Anglais, le 17 Novembre, 1860, soit des déclarations fournies par MM. Antonio Barreda et Ricardo Ituarte, enregistrées aux feuillets 4 et 12 du dossier des preuves, ainsi que de celles fournies par MM. Ignacio de la Barrera et Juan Ramirez, feuillets 7 et 9 verso du dit dossier ; que M. Francisco Montero n'est pas intervenu, et même n'était pas présent lorsque, pendant l'accomplissement de la saisie ('ocupacion') les délits dont il est question ont pu se commettre, attendu que, bien que sa signature figure au procès-verbal, le notaire ne fait pas figurer son nom parmi ceux des personnes qui ont été témoins des faits expressément énoncés dans le corps de ce document ; d'autre part qu'il faut donner à cette insertion la valeur attribuée aux déclarations de MM. Andres Maria Pesa, Luis Carrion, et Angel Bunenabad, inscrites aux feuillets 5 verso, 6 recto, 8 recto et verso, et 11 recto et verso du susdit dossier des preuves, c'est-à-dire, que le fait s'est borné à recevoir la somme saisie, et que M. Francisco Montero n'a pas été présent à l'accomplissement des faits, attendu qu'il est prouvé qu'il se présenta au lieu de la saisie après que les fonds avaient été enlevés et transportés dans la cour de la maison portant le numéro 11 ;

“ Considérant que ce simple fait ne rend pas M. Francisco Montero responsable des actes plus ou moins criminels qui ont pu s'accomplir avant et pendant la saisie ('ocupacion') dans l'enceinte des pièces où se trouvaient déposées les fonds de la Convention Anglaise, et qu'il constitue l'exercice d'une des attributions naturelles de son emploi de commissaire de l'armée réactionnaire ce qui constitue la responsabilité politique qui incombe, d'après la Constitution et les lois en vigueur, à tous ceux qui servent les Gouvernements émanés de la rébellion ;

“ Considérant que cette dernière responsabilité même ne pèse pas sur le susdit Don Francisco Montero, attendu que les circulaires publiées par le Gouvernement National les 8 Mars et 30 Avril de la présente année bornent l'action de la justice aux chefs ('cabecillas') de rébellion et à ceux qui en qualité de Ministres d'Etat ont servi les Administrations illégitimes de Miramon et de Zuloaga, et que les circulaires amnistient ('amnistiando') tous les autres

employés d'un ordre secondaire, au nombre desquels doit être placé le Commissaire-Général de l'armée ('Comisario-General del ejercito');

" Considérant que s'il est vrai qu'il peut résulter contre M. Francisco Montero un motif plus grave de responsabilité du fait de sa présence dans la maison où les fonds ont été saisis, par cela seul qu'il les a reçus (circonstance pleinement prouvée dans le procès), il n'en est pas de même en ce qui concerne M. Isidro Diaz et M. Teofilo Marin, auxquels, bien qu'il n'existe contre eux aucune preuve relativement à la saisie des fonds de la Convention Anglaise, le Juge chargé de l'instruction de la cause a attribué une responsabilité de simple probabilité ('mera probabilidad'), suppléant par le fait de la présomption ('conciencia de hombre') à l'absence de preuves légales et authentiques;

" Considérant enfin qu'il est impropre ('impropia') et contraire aux termes exprès de la Loi du 22 Février, 1832, de qualifier de vol par bande ('robo en cuadrilla'), comme il a été fait dans l'acte d'accusation, la saisie des fonds destinés au paiement des créanciers Anglais, attendu les faits énoncés dans les premiers motifs; d'où il résulte que la Loi du 5 Janvier, 1857, relative au jugement des voleurs, des homicides, des auteurs de voies de fait et des vagabonds ('ladrones, homicidas, heridores y vagos') ne pouvait pas servir de guide dans l'instruction du procès et dans la décision, vu qu'elle ne traite pas de délits communs ('responsabilidades comunes') qui sont du ressort de la justice ordinaire, mais de délits politiques et civils ('politicos y civiles'), lesquels sont exclusivement du ressort des tribunaux de la Fédération, aux termes des Lois Spéciales du 22 Février, 1832, et du 6 Décembre, 1856;

" Il devait absoudre et il a absout en ce qui concerne cette accusation, conformément aux dispositions de la susdite Loi du 22 Février, 1832, MM. Francisco Montero, Isidro Diaz et Teofilo Marin, et il devait déclarer et a déclaré le premier passible de la peine prescrite par la dite loi en ce qui concerne les emplois et charges honorifiques dont il pouvait jouir au moment de la saisie ('ocupacion') des fonds de la Convention Anglaise; et ce sans préjudice du droit des tiers et notamment de ceux du Trésor public dont le représentant légal sera fondé à procéder judiciairement.

" Cette sentence sera communiquée au Promoteur l'iscal, aux accusés et à leurs défenseurs; après quoi elle sera portée devant le tribunal supérieur, pour être approuvée, modifiée, ou révoquée, selon la justice. Ainsi par les présentes il a été jugé définitivement, rendu sentence, ordonné et signé.

" En foi de quoi j'ai signé.

" LIO. JESUS MARIA DE HERRERA.

" A GILBERTO MORENO, *Secrétaire.*"

No. 41.—*Sir C. Wyke to Lord J. Russell.*—(*Rec. September 29.*)

MY LORD,

*Mexico, August 28, 1861.*

ON the 14th instant General Ortega returned to this capital with the division under his command, amounting to between 3,000 and 4,000 men, after having had, two days previously, a night skirmish at Jalatlaco, with the forces of General Marquez, who retreated, leaving some guns and about 80 prisoners in the hands of the enemy.

Ortega, who was heartily tired of the campaign, and anxious to return to this city with a view of intriguing against Juarez, and getting himself elected President, magnified this affair into an important victory, and declared that the reactionary forces were annihilated, and the rebellion put down. So far from this being the case, however, we have since learnt that Marquez is still at the head of 4,000 men, and that Megia, another chief of the same faction, has nearly 8,000 cavalry and infantry under his orders. These forces are in the centre of the country, and interrupt all direct communication between this place and the interior of the Republic. The partizans of Ortega were noisy in their joyful demonstrations in honour of this so-called victory, and paraded the streets at night with music and a torchlight procession. At about 10 o'clock a large party of them drew up in front of the French Legation, where they remained about 20 minutes, shouting, "Death to the French Minister, and death to all Frenchmen!"

In the course of the same evening a shot was fired at M. de Saligny, the French Minister, whilst he was walking up and down an interior corridor of his house. The ball struck and flattened against a pillar near which he was passing, fortunately without injuring him, as the fragment of detached stone hit him on the right arm.

On his colleagues being made acquainted with this infamous attempt on his life, a meeting of the Corps Diplomatique was held at Mr. Corwin's, the American Minister, for the purpose of addressing the Government collectively, not only with reference to this attack on one of the members of their body, but also to remonstrate against the demonstration before the French Legation having been allowed to take place without any interference whatever on the part of the police.

I have the honour to inclose herewith copies of the correspondence which took place between the Corps Diplomatique and this Government, which, as usual in all cases of outrage, has hitherto led to no result whatever beyond specious promises of redress.

Since this event General Ortega has been sworn in as head of the Supreme Court of Justice, which gives him the legal right of



succession to the Presidency in the event of anything happening to Juarez, who by his utter incapacity, has proved himself so unworthy of the post he now holds. A meeting of the Congress has been summoned for the 30th instant, when it is supposed an effort will be made to get rid of him, and elect General Ortega in his stead.

I have, &c.

Lord J. Russell.

C. LENNOX WYKE.

(Inclosure 1.)—*The Representatives of The United States, Belgium, Equator, and Prussia to Señor Zamacona.*

M. LE MINISTRE,

Mexico, le 16 Août, 1861.

L'ENVOYE Extraordinaire de France vient de nous informer que le 14 de ce mois à 10 heures du soir, une bande d'une vingtaine de musiciens, accompagnée d'un attroupement populaire, dans lequel se trouvaient plusieurs soldats en uniforme, s'est arrêtée devant la porte de la Légation de France, en poussant les cris de "Mueran los Franceses!" "Muera el Ministro de Francia!" cris qui ont duré 10 à 15 minutes, sans que la police se soit présentée pour faire cesser ce désordre et cet outrage public.

En portant ce fait à la connaissance de votre Excellence, nous devons insister sur la nécessité d'une enquête sévère, sur la punition des coupables, et surtout celles des agents de police, qui n'ont rien fait pour réprimer un pareil excès.

Nous devons aussi signaler à votre Excellence un autre fait qui, sans avoir le même caractère de publicité, est plus grave encore et aurait pu avoir des conséquences funestes. Deux heures avant l'attroupement susmentionné, un coup de feu a été tiré sur la personne du Ministre de France pendant qu'il se promenait seul dans la galerie intérieure de son hôtel.

Nous espérons que cette nouvelle tentative d'assassinat mettra enfin un terme à l'insouciance avec laquelle le Gouvernement a paru tolérer jusqu'ici les assassinats d'étrangers, qui se répètent presque journellement sans que les autorités prennent les mesures suffisantes pour leur répression.

Agréez, &c.

THOMAS CORWIN.

E. DE WAGNER.

FRANCO. DE N. PASTOR.

AUGT. KINT DE ROODENBECK.

Señor Zamacona.

(Inclosure 2.)—*Señor Zamacona to M. de Wagner.*

(Translation.)

Government House, Mexico, August 17, 1861.

THE Undersigned receives at this moment, which is 4 in the evening, the note which the Minister of The United States, in con-

junction with the Representatives of Prussia, Belgium, and Ecuador, has been pleased to address to him, in which he denounces to him the hostile demonstration which, he says, took place at the door of the French Legation, and the attempt at assassination of which he declares the French Minister to have been the object a little while before.

Notwithstanding all the gravity of those acts, and the publicity which is attributed to one of them, the collective note to which this is a reply has been the first information relative to this matter received by the Undersigned, who certainly deplores profoundly, that in treating of events of such gravity the French Minister should not have employed a more expeditious manner of informing the Government, and thus have enabled it to investigate immediately into the real state of the case, and punish the guilty, if it appeared that there were any. The information has been given to the Government after 3 days, and in a note drawn up apparently since yesterday.

In order to repair this delay, the Undersigned has immediately transmitted the note which he answers to the Ministry of Justice, in order that a serious judicial investigation may be made concerning the facts which are denounced to him. The judge to whom this is entrusted will doubtless share the interest felt by the President for the investigation of the truth of what has taken place, and it is to be hoped that the result of this measure will not give occasion for the imputation to be repeated to the Government, that it is indifferent to the personal security of foreigners.

And with reference to this offensive imputation, the Undersigned, on seeing it stated in the note which he answers, has experienced two most bitter impressions: one that is natural to whoever feels himself the object of an unjust reproach, and the other that which is felt in seeing persons generally benevolent and discreet serve as a medium for accusations which perhaps have their origin in ill-will and hasty judgments. It cannot have escaped the perspicacity of Baron de Wagner what superhuman efforts the Mexican Government has made, and is making, for the re-establishment of peace and order, with which will come the remedy for all the evils experienced at the present time, not only by the foreigners resident in the Republic, but also by the Mexicans. But the guardian spirit of the Government is most evident with reference to the former, and in proof thereof could be cited the measures that it has taken in consequence of the attack upon Captain Aldham, of the English navy, and of the assassination of Mr. Beale; measures which, on account of the suspension of relations with the Representative of Great Britain, have not been able to be communicated to him.

In answering with this statement the aforesaid collective note of the Diplomatic Corps, the Undersigned, &c.

*M. de Wagner.*

MANUEL MA. DE ZAMACONA.

(*Inclosure 3.*)—*M. de Wagner to Señor Zamacona.*

*Mexico, le 21 Août, 1861.*

LE Soussigné, Ministre Résident de Prusse, a eu l'honneur de recevoir l'office de son Excellence M. de Zamacona du 17, relatif aux attentats commis à la Légation de France.

Le Soussigné s'est empressé de s'associer à la démarche collective du 16 de ce mois, espérant qu'elle offrirait au Gouvernement Mexicain l'occasion de reprouver hautement ces odieux attentats, et d'en poursuivre les auteurs. L'opinion que le Soussigné et les autres membres du Corps Diplomatique ont énoncée sur l'attitude du Gouvernement Mexicain à l'égard des nombreux assassinats qui se commettent, est basée sur des faits comme ceux qui se trouvent consignés sur la feuille ci-jointe. Cette opinion, qui est très général, se maintiendra tant qu'on se borne à ordonner seulement des enquêtes sans que les malfaiteurs soient, en effet, poursuivis, attrapés, et punis.

Le Soussigné ignore si les crimes énumérés dans l'annexe ont reçu leur châtiment. Si les lois et les juges ne sont pas assez sévères, les facultés extraordinaires du Gouvernement doivent y suppléer ; car si les assassins, les malfaiteurs, et les voleurs de toute espèce restent impunis, les conséquences seront aussi funestes pour les victimes que pour la République. Le Soussigné, &c.

*Señor Zamacona.*

E. DE WAGNER.

(*Inclosure 4.*)—*Statement of Outrages committed upon Foreigners in Mexico.*

ASSASSINAT du Vice-Consul d'Angleterre, Bodmer, à Tasco.

Ditto du Sieur Richard Rule à Pachuca.

Ditto du Dr. Gibson près d'Acapulco.

Ditto du Sieur Stephen Bennett à Pachuca.

Ditto du Sieur Beale à Napoles.

Ditto de Madame Chaurier entre Pachuca et Mexico.

Attentat avec blessures mortelles contre le Capitaine Aldham.

Ditto du Sieur Rojas contre le Consul Allsopp à Tépéc.

Ditto contre M. Lettsom, Chargé d'Affaires d'Angleterre, près de Tacubaya.

Ditto contre M. Burnaud à Cuajimalpa.

Les auteurs de ces attentats n'ont pas été punis.

Attentat avec blessures mortelles commis dans la Rue de San Juan de Letran, sur M. Charles Wagner, Attaché à la Légation de Prusse.

Attentat contre MM. Brecker, père, fils, et neveu, au moulin de Belen, près de Tacubaya, vols et déprédations.

Attentat et vol commis sur Guillaume Hulvershorn dans la Rue de Capuchinas par trois voleurs à cheval.

Attentat et enlèvement du Sieur Heidlmann près de Cuernavaca.

Attaque de la diligence et vol du Ministre de Prusse près d'Ayotla et du Peñon.

Attaque nocturne contre le brasseur Strütmayer près de l'Alameda.

On ignore le résultat des enquêtes, et si les malfaiteurs ont été punis.

*Attentats commis contre des Français en 1861.*

Louis Gaudry, marchand tailleur à Mexico, Rue San Francisco, fut assailli par plusieurs bandits devant la porte de son habitation, et blessé d'un coup de poignard, le 20 Janvier, 1861.

François Barateigt, cordonnier à Mexico, fut assailli à 7 heures du soir dans la Rue de la Providence par 6 hommes. Il fut blessé d'un coup de poignard, puis dépouillé même d'une partie de ses vêtements, 21 Janvier.

Louis Majérus, petit marchand, alors établi à Tacubaya. Ayant eu affaire à Puebla dans la fin de Janvier, il y fut assassiné et dépouillé dans la rue le second jour de son arrivée dans cette ville. La police l'ayant ramassé baigné dans son sang, il supplia les agents de le transporter à son logement, où il se serait fait soigner. La loi, lui répondit-on, exigeait qu'il allât en prison pour être interrogé et de là à l'hôpital. Tandis que le pauvre blessé était ainsi traîné comme pièce de conviction d'un crime demeuré impuni, la chambre d'auberge dans laquelle il avait laissé ses bagages fut complètement dévalisée, et il a fallu que ses amis de Puebla lui fournissent du linge, des habits, et de l'argent pour se rendre à son domicile.

Ajoutons que le juge qui fut chargé de l'instruction de cette affaire s'est constamment refusé à remettre à Majérus, ni au Vice-Consul de France, aucun document constatant les faits, notoires à Puebla.

En Février les Sieurs Augustin Coffe et Alexandre Bordemann furent maltraités, blessés et injustement emprisonnés par les autorités de Minatillon. Ces services durèrent jusqu'au 22 Avril, qu'un bâtiment de guerre vint les prendre pour les mener à Vera Cruz.

Pierre Maurel, botélier à Rio Frio, puis au Palmas, sur la route de Puebla, a été deux fois pillé, puis enlevé par des brigands, en Janvier et Avril.

Pierre Lement, assassiné le 11 Mars à Pinar, entre Puebla et Perote, au lieu où deux jours auparavant avait été tué Mr. Yorke.

Louis Mathieu Bonhomme, propriétaire rural, fut assassiné à Velmonte, sur la route du Durango, à 18 lieues de cette ville, le 3 Avril.

Alexis Maurice, conducteur de charriotes, à été enlevé, maltraité, et plusieurs fois mis à rançon par des brigands en Avril, Juin et Juillet.

Lucien Fix, administrateur d'une hacienda de M. de la Torre, dans le territoire d'Iturbide, enlevé le 18 Avril par des brigands, et relâché moyennant rançon après des jours de souffrances.

Madame Eugénie Maison, assassinée près Cordova le 12 Mars et décédée le 21 Avril.

Pierre Lacoste, commerçant, assassiné à Rosas, sur la route du Queretaro à Mexico, à 18 lieues de la capitale, le 9 Mai.

Auguste Firmin Davesne, maître meunier, assassiné le 18 Mai, dans le moulin du Battant à 3 lieues de Mexico. Les assassins qui furent même reconnus et désignés à la justice, se promènent tranquillement dans le pays, et y gaspillent en paix le produit du crime, car ils ont dû se partager 5,000 à 6,000 piastres.

Benjamin Jaffré, contre-maître au moulin du Battant, assailli par les brigands qui voulurent tuer Davesne; il fut blessé à la tête de plusieurs coups de crosse et laissé sans connaissance le 11 Mai. Aujourd'hui guéri de ses blessures.

Jean Baptiste Delaporte, assassiné à Otumbilla, à 8 lieues de Mexico, le 2 Août. Les assassins, qui sont parfaitement connus et tous voleurs de profession, n'ont point été inquiétés jusqu'ici.

Louis Guerrier, jeune artisan demeurant à Mexico, fut enlevé dans le village de San Antonio, le 26 Juin. Après avoir été grièvement blessé par les brigands armés qui l'avaient trouvé sur la route, et les avoir péniblement suivis pendant une journée et une nuit, il a pu s'échapper et rejoindre sa famille.

Jean Caire, propriétaire rural, a été enlevé sur sa propriété de Salazzar, le 2 Juin. Relâché moyennant rançon.

Louis Acho, fils, enlevé de l'hacienda de son père, près Puebla en Juin. Relâché moyennant 1,000 dollars.

Jaques Londaïs, commerçant, attaqué et blessé par des brigands dans la Rue de San Clara, le 21 Juillet.

Josepo Louis Thinesse, tailleur, dépouillé et roué de coups par des soldats du Gouvernement, à un quart de lieue de Cuernavaca, le 24 Juillet.

Paul Dairo, marchand colporteur, assassiné à Huichilague à deux lieues de Cuernavaca, le 2 Août.

Jaques Bernard, commerçant, attaqué par 4 soldats dans la Rue de Zuleta, blessé de coups de sabre et volé, le 28 Juillet.

Benoit Delfia, négociant à Temascaltepec, enlevé par des soldats dite prononcés, emprisonné, maltraité de toute façon, et relâché après 8 jours de souffrance, et sa maison pillée, le 28 Juillet.

Pierre Duhart, seul employé de la maison Echenique, de Temascaltepec, enlevé et traité comme M. Delfia, et la maison également pillée par les mêmes, le 28 Juillet.

Henri Hanville, mineur à Temascaltepec, se trouvant absent le 28 Juillet a été pillé.

Adrien Daste, Directeur de Mines, à eu ses chevaux volés.

Auguste Daussart, brasseur, à été attaqué par plusieurs bandits, et a été blessé dans la Rue San Francisco, le 11 Août.

Joseph Agand, maître meunier, au moulin del Sacono, commune de Tlalmanalco, près de Chalco. Le 17 Août courant 10 hommes de la garde de sûreté de Chalco sont venus demander les écuries du moulin pour l'usage de la petite garnison. Après s'être introduits dans l'établissement sous ce prétexte, et avoir placé des sentinelles au dehors, ils ont trouvé un autre prétexte pour attirer le Sieur Agand et quelques autres employés dans la chapelle du moulin, où ils les ont enfermés. Après quoi ils ont pillé le moulin, sans oublier les effets personnels du Sieur Agand et des domestiques. Cinq des soldats bandits ont été reconnus par l'Alcalde de Tlalmanalco, qui les a désignés au Préfet, mais inutilement.

Le 18 Août courant, M. Victor Prudhomme, industriel fort inoffensif de Mexico, a été brutalement frappé au visage par un Lieutenant-Colonel qui passa rapidement à côté de lui un pistolet à la main, lançant en même temps l'épithète de "estrangero."

*No. 42.—Sir C. Wyke to Lord J. Russell.—(Received September 29.)*  
*(Extract.)* *Mexico, August 24, 1861.*

I HAVE the honour to inclose translation of a decree issued the night before last by this Government, imposing a tax of 1 per cent. on all capital exceeding 2,000 dollars, to be paid to the Government as follows: one-third on the day following the publication of the decree, another at the end of 8 days, and the remaining third at the expiration of a fortnight. Those persons not complying with these stipulations are to be punished by fines of 50 per cent. on such contribution. Nothing can possibly be more arbitrary or unjust than this, as many persons during the whole of yesterday remained in ignorance that such a decree had been published and placarded during the night at the corners of two or three of the principal streets of the capital. This tax at first was only to be levied within the district of Mexico, but by an additional decree published yesterday I hear it is to be levied on the capital, wherever it may be, of all inhabitants of the district whose fortunes may exceed the sum mentioned.

On this being known, the British merchants here addressed a letter to me on the subject, which I have the honour to inclose, together with my reply thereto.

Were this principle once admitted, the door would be opened to all sorts of illegal exactions on the part of a Government so rapacious and utterly unprincipled as this. Finding that their decree of the 17th ultimo, suspending the Convention payments, did not produce as much as they expected, they are now determined to obtain funds by forced contributions, for this tax is nothing else under another form. I was glad to find that all my colleagues here took the same view of the case as I did, and recommended their countrymen respectively to resist the payment of this impost, except on compulsion and under protest. Mr. Corwin, The United States' Minister, alone refrained from doing so, and although urged by us, in a meeting which took place to-day at his house, to join the Prussian Minister and the Chargé d'Affaires of Belgium and Ecuador in remonstrating with the Government on the injustice of this measure, we could not persuade him to do so, although he must be aware that, had he acted with us, this Government would never dare, in their present precarious position, to set at defiance the remonstrances of the whole Corps Diplomatique.

Baron Wagner, the Prussian Minister, yesterday called on Señor Zamacona, and recommended him at once to withdraw the decree, or not to apply it to foreigners resident here, as he knew that, with the exception of the Americans, they had all been recommended by their Representatives only to pay the tax on compulsion, and under protest.

The Government again urges necessity as their excuse, saying that as the commercial body of Mexico would not advance them the sum of 400,000 dollars a month for their expenses on the guarantee of the maritime Custom-Houses, an offer which they had made, and which had been refused, they had no other alternative but to do what they have done.

If one once acknowledges their right to tax capital for 1 per cent. they may, when next in want of money, levy 10, 15, or 20 per cent. on it, and thus ruin the whole commercial body here.

Were the money thus obtained spent in restoring order, or in affording protection to the lives and properties of those so taxed, there would be some excuse for so arbitrary a measure, but, instead of this, the disorder reigning here becomes every day greater, whilst many of the smaller shopkeepers are utterly bankrupt from the paralyzation of all trade.

Under these circumstances I trust your Lordship will approve of the advice I have given to the English merchants here, and the more so as it is in strict accordance with the instructions issued



to my predecessors, when a similar tax was imposed by the former Government.

*Lord J. Russell.*

*C. LENNOX WYKE.*

*(Inclosure.)—Decree.*

*(Traduction.) Palais National, à Mexico, le 21 Août, 1861.*

Le citoyen Juan José Baz, Gouverneur du District Fédéral, à ses habitants faisons savoir :

Qu'il m'a été adressé, par le Ministère des Finances et du Crédit Public, le Décret suivant :

Le citoyen Benito Juárez, Président Constitutionnel des Etats-Unis Mexicains, à leurs habitants faisons savoir :

Qu'en vertu des facultés que concède au Gouvernement le Décret du 4 Juin dernier, j'ai décrété ce qui suit :

*Article unique.* — Il est établi, dans le district, une contribution de un pour cent. sur les capitaux qui excèdent 2,000 dollars; elle sera payable de la manière suivante, à la Direction Générale des Contributions Directes; un tiers le jour qui suivra la publication du présent Décret, un autre tiers dans les 8 jours, et le dernier tiers dans les 15 jours.

De ceux qui ne verseront pas leurs cotes dans les délais exprimés, on les exigera, au moyen de la faculté économique-coactive, avec les surcharges qui fixent les lois en vigueur.

Pourquoi j'ordonne, &c.

Donné au Palais National, à Mexico, le 21 Août, 1861.

*José H. Nuñez.*

*BENITO JUAREZ.*

*Mexico, le 21 Août, 1861.*

Et je vous le transmets pour son accomplissement.

Dieu et Liberté!

*JOSE H. NUNEZ.*

*Mexico, le 22 Août, 1861.*

Et pour qu'il arrive à la connaissance de tous j'ordonne qu'on l'imprime, qu'on le publie, &c.

*JUAN JOSE BAZ.*

*JOSE M. DEL CASTILLO VELASCO, Secrétaire.*

*No. 43.—Sir O. Wyke to Lord J. Russell.—(Rec. September 29.)*

*MY LORD,*

*Mexico, August 26, 1861.*

THE question of the British Convention has been brought under the consideration of Her Majesty's Government so frequently, and always, hitherto, as a cause of complaint on the part of those interested in it, that I regret excessively again to recur to the subject.

I am compelled, however, to do so on the present occasion, not only because the Mexican Government have of late publicly attacked the Convention, but because there are certain matters of importance connected with it which require, I consider, some explanation on my part, in order to clear up the doubts which have been and still are entertained with respect to the origin and management of this fund.

Before I proceed to the discussion of this now complicated question, I would mention that, in order to avoid as much as possible a continued repetition of figures in the body of this despatch, I have had drawn up in the Mission the inclosed memorandum, which I trust may be found useful for purposes of reference, if, at any future period, the Mexican Government or private individuals carry their complaints and accusations directly before the Foreign Office.

I will now endeavour to trace the history of the Convention from its commencement. In 1842 Her Majesty's Minister at Mexico, Mr. Pakenham, concluded a diplomatic arrangement for the payment of certain recognized claims; and in 1851 it was evident that, so far from having carried out this arrangement, the Mexican Government had incurred additional liabilities, which they were equally unable to meet, and which rendered a fresh arrangement of some sort absolutely necessary.

Hence it was that Mr. Doyle, on the 4th of December, 1851, signed the Convention which has given rise to so many and such needless difficulties, and in which were included, as well the claims under the Pakenham Convention as other credits which had been severally recognized by the British and Mexican Governments.

The creditors met at the National Treasury, and, after the usual preliminaries on both sides, it was agreed that the claims, amounting to 4,984,914 dollars, should be treated as a consolidated fund, to be paid off upon the generally-received principles of debtor and creditor, that is to say, the Government obliged themselves to pay interest on this consolidated fund at the rate of 3 per cent. per annum, with a sinking fund of 5 per cent.; it being further stipulated that 5 years after the ratification of the Convention the interest was to be raised to 4 per cent., and the sinking fund to 6 per cent.

For this purpose the Mexican Government were supposed,—I say supposed, for reasons which will hereafter appear,—to mortgage to us 12 per cent. per annum of their entire Customs revenue, upon the condition that if this assignment of 12 per cent. more than sufficed for the interest and sinking fund, the Commissioner appointed by the creditors for receiving their money was to return to the Treasury any surplus, whereas in the contrary case, the Treasury was to meet any deficit by the first drafts they received from any of their maritime Custom-Houses.

The manner in which this 12 per cent. of import duties was mortgaged to us I will explain in its proper place, for it has seriously affected us, and, indeed, may be said to have been the origin of all subsequent troubles.

It so happened, to continue my narrative, that at the end of the first year, *i. e.*, in December of 1852, the stipulated Custom-House assignments were not forthcoming; consequently it became necessary to call upon Government to fulfil their engagements upon this point; and on the 27th of November of the same year a Sub-Convention (copy of which is inclosed herewith as meriting your Lordship's attention), was signed by Mr Doyle, whereby a further Custom-House assignment of 3 per cent. was set aside solely for paying this deficit, to cease so soon as the deficit was made good.

To all intents and purposes, however, the original assignment of 12 per cent. now became 15 per cent. permanently, because, although this increase of 3 per cent. was originally only meant to cover a particular class of arrears, it never did so; on the contrary, arrears went on accumulating instead of diminishing, more assignments were asked for and granted, and ultimately we were supposed to have mortgaged to us 29 per cent. of import duties, wherewith to satisfy interest and sinking fund, the interest, by an arrangement made by Mr. Otway, having been increased from 4 to 6 per cent., while the sinking fund remained, as stipulated in Article V of the original Convention, at 8 per cent. per annum.

Such is the history of the British Convention; and it will now be my duty to explain, as far as may be, the complications and difficulties which have ensued, and which in many cases could, and most certainly should, have been avoided.

First in the list of complainants come the Government themselves, who were the other Contracting Party to the Doyle Convention, and they begin by attacking the very elements of the Convention, which they allege to be supposititious, and lay especial stress upon the introduction into the arrangement of what are commonly known as the "Tobacco Bonds."

To avoid entering here into a lengthy and unnecessary discussion upon a question which for many years occupied the attention of Her Majesty's Government, I will simply state, though for the sake of reference I beg to inclose a short account of this particular grievance, that Messrs. Martinez del Rio, who are naturalized British subjects, and the present agents of the Convention, became possessors, under a guarantee from the Supreme Government, of certain of these "Tobacco Bonds," to the amount of about 2,500,000 dollars: their tenure thereof had been sanctioned by Her Majesty's Government, and when afterwards the Mexican Government, in

spite of their guarantee, attempted to dispute the right of tenure, Mr. Doyle received positive instructions from home to support Messrs. Martinez, and to insist upon justice being done to them. A plan of settlement was proposed, but though partly initiated by the Mexican Government, never carried into effect.

This happened in 1849, and it seemed only natural that two years later, what had now assumed the character of a claim, and might almost be said to have formed a Convention of itself, should be admitted into the new compact concluded by Mr. Doyle in 1851.

This is the first objection to the Convention, and I cannot help thinking that it must be looked upon as perfectly groundless.

Next in order follow the complaints raised by certain private individuals who, either after the fashion of a Mr. Grant, one of Convention bondholders, attack the Convention generally, or like Messrs. Bourdillon and Moran (the latter being in no way connected with the Convention of that name, to which I shall have occasion to refer), paid agents for claims not included in the Convention, persist in affirming that their clients' interests have been damaged by the illegitimate uses to which the Convention Custom-House assignments have been turned.

In 1852, as your Lordship will have observed, a special increase of 3 per cent. on the Customs revenue was allotted to pay off a particular deficit, with the proviso that it was to cease as soon as the deficit was made good. A Mr. Dalton, whose case has been before the Foreign Office since 1857, had, I believe, obtained from the Mexican Government the reversion of this 3 per cent. whenever it again became Government property, and in 1860, his agents, Messrs. Bourdillon and Moran, did their utmost to procure this reversion, upon the ground that the original object for which the 3 per cent. of import duties was assigned, had long ago been accomplished, and that the Convention had no further right to it.

The Mexican Government were only too glad to seize such an opportunity, and eagerly acquiesced in the assertion that the 3 per cent. had reverted to them; upon what plea I cannot say, for, so far from laying any claim to it, they had themselves sanctioned its running on as part and parcel of the Convention Custom-House assignments; had even of their own free-will added a something to it, as will be seen by Article II of Mr. Otway's Convention, which forms inclosure No. 4 of this despatch, and never thought of its reversion until Messrs. Bourdillon and Moran, Mr. Dalton's agents, appeared on the stage in 1860.

Be this, however, as it may, the inclosed document will, I feel assured, set the matter to rights; for thereby and subsequent, be it remarked, to the application of Mr. Dalton's agents, it becomes evident that this person could in no way interfere with the British

Convention, and, indeed, I know that he himself had proposed to the Mexican Government a new arrangement for the payment of what was owing to him.

At any rate, however, our priority of claim to this said 3 per cent. cannot be questioned, for it is proved (Memorandum, Paper D), that notwithstanding the gradual though in reality merely nominal increase of our Custom-House assignments from 12 to 29 per cent., not even the original assignment of 12 per cent. has ever yet been paid up.

If, then, we have never received in full the first assignment of all, it surely cannot be illogical to infer that we have not obtained anything over and above that first assignment, and consequently that, inasmuch as the above-mentioned additional assignment has never yet been paid, it cannot possibly have fulfilled the object for which it was granted.

There is one point which both the Mexican Government and these private individuals appear to have overlooked, when attacking the Convention; they do not remember that, be the elements of a Convention or compact what they may, they cannot suffer change for good or bad, when once that Convention or compact has been ratified, unless it be with the full consent of both Contracting Parties; and it ill becomes any Englishman, especially at the present moment, to attempt to overthrow a diplomatic arrangement which had obtained the sanction and support of his Government, and when the very stipulations thereof compensate him, as in the case of Mr. Grant, for losses which would never have been made good to him but for the intervention of Her Majesty's Legation.

I now come to the real and most serious difficulty connected with this Convention, and would that its solution were simpler; yet I am at a loss to conceive how the actual error which led to this difficulty escaped the observation of my predecessors, or was allowed to be perpetuated up to the present date by the very agents of the fund, whose duty it most certainly was to have had it rectified.

It so happened that two days after the ratification of Mr. Doyle's Convention, *i. e.*, on the 6th of December, 1851, Señor Sayas, the Spanish Minister at Mexico, signed on behalf of some of his countrymen a Convention almost identical with our own: the interest on the debt thereby recognized was the same, the sinking fund the same, and it was equally stipulated in both Conventions that a certain Government order, which was to authorize the Custom-House to set aside the proper proportion of Custom-House assignments for the payment of the said interest and sinking fund, "should be considered as having been inserted in and as forming part" of the Convention for which it was intended.

The Sayas, or, as it is generally called, the Padre Moran Conven-

tion, was only for a sum of 983,000 dollars; whereas, as I have already stated, ours represented 4,984,914 dollars; yet, strange to say, the Government order, which was to be looked upon as quite as sacred as any part of either Convention, was one and the same in each case. This order shall, however, speak for itself; and your Lordship will observe that the 12 per cent. of import duties, which, as I stated above, was supposed to have been mortgaged to us, is by the order set aside for the purpose of satisfying the conditions of both the Padre Moran and the British Conventions; no division of the 12 per cent. is made therein, no proper proportion thereof is defined, the 12 per cent stands there as much the property of the one as of the other Convention.

Now, even supposing, for the sake of argument, that the Mexican Government had intended there should be but one order, and that 12 per cent. of the import duties was to suffice for paying the interest and sinking fund of both Conventions, one might have expected to discover in the order some clear definition of the proportion that the 12 per cent. was to bear to each Convention.

It was, however, otherwise; and the consequence is that our own and the Spanish Convention have, as it were, been merged into one. The agencies of the two Conventions, which once were separate, have ceased to be so; Messrs. Martinez del Rio from the very beginning were recognized as the sole agents for both, though, in point of fact, that of Padre Moran, as a Spanish Convention, became a dead letter, and, to all intents and purposes, might as well have never existed, since all applications to this Legation for support and protection have been made by Messrs. Martinez del Rio in their capacity of agents for the British Convention.

Up till now we have been allowed to slumber on in the full assurance that the original, as well as every additional Custom-House assignment was ours. Such, however, has not been the case; from 1851 to 1860 Her Majesty's Government, this Legation, and British ships of war, have been labouring on behalf not only of British, but of Spanish interests, for out of every assignment we have received, with the exception of that obtained by Captain Aldham, a sixth part has regularly been handed over by Messrs. Martinez del Rio to the sister Convention, while no violation of contract has ever taken place; but we, and we alone, have been appealed to by them for redress, and it was not until early in 1861 that Messrs. Martinez del Rio breathed a word that could imply the fact of their having thus practically and systematically amalgamated the two Conventions. Why, or wherefore, they should have made an exception to their general line of conduct in the case of the Aldham Convention, I am unable to say. It is sufficient that they did so, and it appears to me that the letter, copy of which I here-

with inclose, addressed by them to Mr. Mathew, in reference to this subject, is proof enough that a doubt must always have existed in their minds as to the propriety of claiming British protection for a Convention with which we had nothing in the world to do.

It is useless for these gentlemen to assert that in issuing one order the Mexican Government intended the two Conventions to draw from one and the same fund, that the proportion of the Custom-House assignments to those Conventions was naturally in the ratio of the two debts, and that consequently their conduct can be justified.

If such, indeed, was the intention of the Mexican Government, surely it could not also have been their intention to make one Convention responsible for what belonged to another Convention, and that other Convention of a totally different nationality. This would have been absurd, and I fear, therefore, that but one construction can be put upon the whole affair; the order on the Custom-Houses was simply a piece of trickery on the part of the Mexican Government, nobody took the trouble to counteract it, and we alone have been the dupes to our own prejudice, but to the profit of others.

There is one fact which cannot be disputed. A certain order, the very essence, if I may use the expression, of both Conventions, but which does not exist at the time of ratification, becomes by anticipation an actual part of both. By that order, not a separate one, be it remarked, for each Convention, 12 per cent. of import duties is to be set apart for satisfying the demands of both Conventions; consequently there enters an idea of partition, the entire 12 per cent. being the sole property of neither Convention: we, therefore, have no right to the whole, nor has the Spanish Convention any right to it, but we have been made responsible for the whole, and our agents have applied to us for protection when the whole was not given to us; moreover, Mr. Doyle in his Sub-Convention states positively that the whole is ours in virtue of the actual Convention, while the actual Convention proves it is not ours by Article IV, for that Article and the original Custom-House orders are, I might almost say, synonymous terms, and the latter distinctly states that it is not ours.

The 12 per cent. of import duties then is ours, and is not ours: it is ours, because we have claimed it and our claim has not been questioned; it is not ours, because whenever it has been obtained a sixth part has always been taken away from us.

It is now perhaps too late to remedy the evil that has been done, but henceforward it will be our fault if Spain does not look after Spanish and England after English interests, whenever the moment arrives for reinstating the Conventions in the position they lost



through the Government Decree of the 17th ultimo, which amongst other payments suspended those belonging to Diplomatic arrangements.

Far be it from me to make any direct accusation against those who have been principally to blame in this matter, but I cannot acquit Messrs. Martinez del Rio of great and culpable negligence. As agents of the British Convention fund they ought to have known that whatever may have been the object of the Mexican Government in issuing but one Custom-House order for two Conventions, it never could have been intended that the British Legation alone was to see that order carried out, to the prejudice of its own and the profit of Spanish interests; it was their bounden duty to have called the attention of the Legation to the existing state of affairs, and they left that duty undone.

I need not, of course, assure your Lordship that in thus accusing Messrs. Martinez del Rio of great negligence, I have no intention or wish whatever to cast a slur upon their character as honourable men: still I feel that, in the interests of all parties concerned, it would be much better, for obvious reasons, to place the agency in other hands; and I do not think I can recommend to your Lordship a better or fitter person to succeed Messrs. Martinez del Rio than Mr. Consul Glennie, who is now auditor of the fund, and who, I feel sure, has the esteem of all those who are connected therewith. It appears to me, too, that it would be more becoming for the Convention to have its agency in our Consulate, and I cannot help thinking that such an appointment as the one I have now the honour of proposing to your Lordship would tend greatly to diminish the existing causes of complaint.

I have only now further to call your Lordship's attention to the fact that there are but few Englishmen holders of Convention stock at the present time; it has passed on 'Change into other hands, principally Mexican, and I have, for purposes of reference, accompanied my Memorandum on the Convention with a list of those who were bondholders when the first dividend took place, as well as of those who are now holders of Convention stock; and it is worthy of remark, that even during the first 6 months after the ratification of the Doyle Compact, bonds were eagerly bought up in the money-market, so great was at that time the confidence inspired by an agreement for the due fulfilment of which Great Britain was supposed to be a responsible party.

Such, my Lord, is the account of the British Convention, past and present; its length may, perhaps, seem to require some apology on my part. Had I, however, curtailed it, I much fear I should have failed in the original object I had in view, and that so far from being useful at a future period for reference, this despatch and

its inclosures would merely have added to the difficulties connected with the Convention.

While, then, I sincerely trust that, in its present state, this will not be found to be the case, may I request your Lordship, should my proposals meet with your approbation, to be good enough to send me such instructions as will admit of immediate action, not only as regards the future agency of the British Convention, but also as regards the restoration of the Spanish Convention to the protection of its rightful owners?

Everything connected with the so-called British Convention has got into such a tangle of confusion, that it would have been impossible for me to have understood the actual state of the case without the assistance of Mr. Walsham, whose experience here, joined to the untiring assiduity he has displayed in elucidating the whole question, and putting the numerous inclosures of this despatch into proper order, have been of the greatest service in enabling me to transmit a statement which I hope may hereafter prove useful for reference, whenever the subject of this Convention and its numerous complications shall again be brought under the notice of the Foreign Office.

I have, &c.

Lord J. Russell.

C. LENNOX WYKE.

*(Inclosure 1.)—Memorandum on the British Convention.*

*Mexico, August 20, 1861.*

On the 15th of October, 1842, Mr. Pakenham signed a Convention with the Mexican Government, in which it was stipulated that certain recognized claims, amounting to about 250,000 dollars, should be formed into a Consolidated Fund, to be paid off, capital and interest, by a percentage on the import duties at the maritime Custom-Houses of Vera Cruz and Tampico.

This Convention was not carried out by the Mexican Government; and on the 4th December, 1851, Mr. Doyle signed a fresh one, in which not only the claims under the Pakenham Convention (see annexed Paper A), but others, which had been recognized by both the English and Mexican Governments, and had indeed formed separate Diplomatic arrangements, were included (see Papers B and C).

By Mr. Doyle's Convention the claims, amounting to 4,984,914 dollars, were likewise formed into a Consolidated Fund, the Mexican Government obliging itself to pay thereupon 5 per cent. as sinking fund, and 3 per cent. as interest, until the debt should be paid off.

To meet this 5 per cent. and 3 per cent., it was agreed that a certain portion of the annual Customs revenue should be set apart, and half-yearly dividends take place; and it was further stipulated

that in 1857 the sinking fund should be raised to 6 per cent. and the interest to 4 per cent.

Now it so happened, that two days after Mr. Doyle had signed his Convention, Señor Sayas, Spanish Minister in Mexico, also signed a Convention on behalf of some Philippine missionaries, which is generally known as the "Padre Moran" Convention, and which, singularly enough, was made upon exactly the same bases as our own. Its consolidated fund was 983,000 dollars, the sinking fund 5 per cent., and the interest 3 per cent.

This 5 per cent. and 3 per cent. were to be increased respectively to 6 per cent. and 4 per cent. at a stated period, and to be satisfied, as in our case, by yearly Custom-House assignments, whenever it could be found out what amount of assignments would be necessary.

Instead, however, of fixing this amount at the time of ratification, the Mexican Government only did so some two months afterwards by a Custom-House order setting apart 12 per cent. of import duties for paying the sinking fund and interest of both Conventions, but unfortunately without specifying in what proportion this 12 per cent. was to be made.

At first each Convention had its own agent in Mexico, but later on, Messrs. Martinez del Rio, naturalized British subjects, took charge of both, and from that time it would seem the Padre Moran Convention lost its nationality; for we, though until now unaware of the fact, have always collected its portion of Custom-House assignments, as will hereafter appear.

The original Custom-House assignment for both Conventions was 12 per cent. At the end of 1852 it had not been paid, and to meet the deficit the Mexican Government assigned an additional 3 per cent. until it should be made good; but this 3 per cent. had simply reference to the English part of the deficit, as appears from Mr. Doyle's Sub-Convention (forming Inclosure No. 3 in the despatch), for there is no evidence that any steps were taken in this direction by the Spanish Representative; yet as Messrs. Martinez del Rio had previously, on their own responsibility, apportioned to the Padre Moran Convention a sixth part of what the Custom-House did pay in 1852, so also they now made over a sixth part of the additional 3 per cent.

In 1852, therefore, the state of the Conventions was,

*British Convention.*—Sinking-fund 5 per cent., interest 3 per cent., Custom-House assignment 12 per cent. and 3 per cent. (for arrears).

*Padre Moran Convention.*—Sinking-fund 5 per cent., interest 3 per cent., Custom-House assignment 12 per cent., and 3 per cent. (for arrears).

In 1857, the interest and sinking-fund of both Conventions became, as originally stipulated therein—sinking-fund 6 per cent., interest 4 per cent.; the only difference in the Custom-House assignment being that the 3 per cent. originally intended to pay off a particular class of arrears, was now merged into the body of assignments, which therefore stood at 15 per cent.

In 1858 the Mexican Government, apparently of their own free will, increased this 15 per cent. to 16 per cent., and Mr. Otway, in the same year, had the interest of the British Convention raised to 6 per cent.

Thus at this period, the following was the progress made in both Conventions:

*British Convention.*—Sinking-fund 6 per cent., interest 6 per cent., Custom-House assignment, 16 per cent.

*Padre Moran Convention.*—Sinking-fund 6 per cent., interest 4 per cent., Custom-House assignment, 16 per cent.

In 1859 the arrears on the sinking-fund had accumulated to 1,800,000 dollars, and it was then that Captain Dunlop, senior naval officer in the Gulf of Mexico, obtained an additional 8 per cent. of import duties; and in 1860, when the Custom-Houses of Vera Cruz and Tampico had seized assignments to the amount of 350,000 dollars, Captain Aldham, who had succeeded Captain Dunlop, made a further Convention, by which 5 per cent. more of import duties was to be set aside, though only in the Custom-Houses of Vera Cruz and Tampico. Both the 8 per cent. of Captain Dunlop and the 5 per cent. of Captain Aldham were to cease as soon as they had respectively satisfied the 1,800,000 dollars arrears, and 350,000 dollars ("occupation") above referred to. It is certain that Captain Aldham's 5 per cent. was upon all import duties from all vessels at the ports of Vera Cruz and Tampico. The 8 per cent., however, of Captain Dunlop would appear to refer to the Custom-Houses generally, and to have been upon all import duties from all except French vessels.

Both the 8 per cent. and the 5 per cent. were solely for the specific object above referred to, and were to cease directly that object was attained, so that the regular Custom-House assignment upon all import duties from all vessels was, as has been stated, only 16 per cent.; and yet if the statement (see paper D) made by Messrs. Martinez del Rio be correct, even the original assignment of 12 per cent. has never been paid, much less that of 16 per cent.

Between 1852 and 1881 the proper amount of interest has been paid upon the Consolidated Fund of the British Convention, viz., 1,744,604 dollars 14 cents, and nearly the proper amount of interest upon the Consolidated Fund of the Padre Moran Convention, viz., 320,197 dollars 99 cents, instead of 344,961 dollars 59 cents (see

papers E and F), whereas the Sinking Fund of the two Conventions, which during the same period stand at 2,592,155 dollars British Convention, 511,160 dollars Padre Moran Convention, have only respectively been paid 810,634 dollars, and 157,280 dollars. Of course Convention stock has frequently changed hands in the money-market, and this will account for so many of the present holders of bonds being foreigners (see paper G).

Table showing the various changes which have taken place in the British<sup>a</sup> and Padre Moran Conventions between 1851—1860.

Sinking Fund and Interest to be paid to British Convention.	Custom-House Assignments to satisfy both Conventions.	Sinking Fund and Interest under Padre Moran's Convention.
Mr. Doyle's Convention :		
1851. Sinking Fund, 5 per cent. } Interest, 3 per cent. }	12 per cent.	{ Sinking Fund, 5 per cent. Interest, 3 per cent.
1852. Sinking Fund, 5 per cent. } Interest, 3 per cent. }	12 per cent. and 3 per cent. (arrears)	{ Sinking Fund, 5 per cent. Interest, 3 per cent.
1857. Sinking Fund, 6 per cent. } Interest, 4 per cent. }	15 per cent.	{ Sinking Fund, 6 per cent. Interest, 4 per cent.
Mr. Otway's Convention :		
1858. Sinking Fund, 6 per cent. } Interest, 6 per cent. }	16 per cent.	{ Sinking Fund, 6 per cent. Interest, 4 per cent.
Captain Dunlop's Convention :		
1859. Sinking Fund, 6 per cent. } Interest, 6 per cent. }	24 per cent.	{ Sinking Fund, 6 per cent. Interest, 4 per cent.
Captain Aldham's Convention :		
1860. Sinking Fund, 6 per cent. } Interest, 6 per cent. }	29 per cent.	{ Ceased to participate in extra assignments.

(A.)—Pakenham Convention, Agent P de Ansoategui; concluded by Mr. Pakenham, on October 15, 1842, with the consent and approbation of both the British and Mexican Governments, as is proved by the despatches marked in the margin.

	<i>Dollars</i>	<i>c.</i>
Original capital .. .. .	287,412	9
Interest to November 30, 1850 .. .. .	160,804	45
	448,216	54
Amount paid off to same date .. .. .	291,654	95
	156,561	59
Balance included in Doyle Convention ..		

Parties representing Pakenham Convention.

	<i>Dollars</i>	<i>c.</i>		<i>Dollars</i>	<i>c.</i>
Jecker, Torre, and Co. ..	67,246	59	Domingo de Ansoategui..	4,067	70
Manning and McIntosh ..	52,573	71	G. J. Martinez del Rio ..	250	00
Viuda Echeverria é hijos	27,818	57	Bates, Jamison, and Co..	1,600	00
Drusina and Co. ..	13,717	27	E. J. Perry ..	3,862	75
J. J. de Rozas ..	12,203	12	Ernesto Masson, for G. and		
Aguero Gonzalez and Co.	13,850	56	J. Campbell ..	500	00
Alexander Grant..	54,483	3	Thomas H. Worrall ..	350	00
C. A. Fornachon ..	2,382	00			
Martinez del Rio, Brothers	32,561	79		287,412	9

(B.)—Diplomatic arrangement commenced on behalf of Messrs. Montgomery, Nicod and Co., by Mr. Pakenham, continued by Mr. Doyle in 1843–1844 and concluded by Mr. Bankhead in 1844.

	<i>Dollars</i>	<i>c.</i>
Amount of capital on January 1, 1843 .. ..	1,036,489	25
Paid as "refaccion," on May 27 and September 23 .. ..	112,980	00
	<hr/>	
Interest up to December 3, 1851 .. .. .	1,149,469	25
	845,743	70
	<hr/>	
Amount received up to same date .. .. .	1,995,212	95
	842,491	77
	<hr/>	
Balance included in Doyle Convention .. ..	1,152,721	18

Parties interested in above arrangement.

	<i>Dollars</i>	<i>c.</i>		<i>Dollars</i>	<i>c.</i>
Martinez del Rio, Brothers	563,127	22	W. Mackintosh	..	3,000 00
Stephen Miller .. ..	11,402	67	M. Mead .. ..	..	119,728 2
D. Manterola, for Echeverria .. ..	22,748	4	M. Moreda .. ..	..	22,805 34
C. de Luchet .. ..	65,427	11	J. B. Jecker .. ..	..	02,624 2
B. Maqua .. ..	121,878	81			<hr/>
Frederick Montgomery	116,728	2			1,149,469 25

(C.)—Diplomatic arrangement concluded by Mr. Doyle with the Mexican Government in 1849, on behalf of Messrs. Martinez del Rio, Agents at that time for what was known as the "Tobacco Claims."

Liquidated up to December 3, 1851.

	<i>Dollars</i>	<i>c.</i>	<i>Dollars</i>	<i>c.</i>
Amount of "Tobacco Bonds" .. ..	2,745,000	00		
Amount of "Interior Debt" Bonds .. ..	717,000	00		
	<hr/>		3,462,000	00
Amount received .. .. .	..	..	884,000	00
			<hr/>	
Capital unpaid on December 31, 1851* .. ..	..	..	3,078,000	00
Due for interest to same date .. ..	601,727	91		
Less received from the Treasury .. ..	4,095	84		
	<hr/>		597,632	07
			<hr/>	
Balance included in Doyle Convention .. ..	..	..	3,675,632	07

\* Parties interested in the above arrangement.

	<i>Dollars</i>	<i>c.</i>		<i>Dollars</i>	<i>c.</i>
Martinez del Rio, Brothers .. ..	1,003,348	97	Manuel Escandon .. ..	156,749	65
J. S. Bengough .. ..	251,899	3	Viuda de Echeverria .. ..	138,158	25
J. A. de Bertegui .. ..	841,122	61	F. Pagoaga .. ..	74,627	32
Benito Maqua .. ..	354,053	55	Aguero Gonzalez y Ca .. ..	43,005	47
Muriel, Brothers .. ..	155,974	87	J. Rodriguez de S. Miguel, for Madame		
Edward J. Perry .. ..	31,887	33	Ariamendi .. ..	8,601	10
Rafael Beraza .. ..	18,621	85		<hr/>	
				3,078,000	00

## (D.)—Statement of the amount received from all the Custom-Houses on Account of the Convention Fund, from 1852 to 1859.

			<i>Dollars</i>	<i>c.</i>				<i>Dollars</i>	<i>c.</i>
1852	..	..	261,914	24	1857	..	..	104,087	25
1853	..	..	406,198	26	1858	..	..	130,598	16
1854	..	..	540,514	26	1859	..	..	420,149	87
1855	..	..	348,107	52					
1856	..	..	301,917	5				2,508,481	6

The annual estimated produce of the import duties is from 7,000,000 to 8,000,000 dollars; but even taking the very low figure of 5,000,000 dollars, it will be seen that in no one year has the original assignment of 12 per cent. been paid.

(E.)—BRITISH CONVENTION, *Original Capital 4,984,914 dolls. 84 c.*

		Sums that ought to have been paid on account of.				Sums actually paid on account of.	
		Capital.	Interest.			Capital.	Interest.
		<i>Dollars</i>	<i>c.</i>			<i>Dollars</i>	<i>c.</i>
1852	June 4	124,622	87	1859	July 31	..	74,773 72
	December 4	124,622	87		December 4	60,084	84
1853	June 4	124,622	87	1863	September 5	..	73,872 45
	December 4	124,622	87		December 30	175,939	5
1854	June 4	124,622	87	1864	June 5	..	71,233 37
	December 4	124,622	87		December 28	300,839	61
1855	June 4	124,622	87	1865	June 15	194,692	87
	December 4	124,622	87		December 20	..	64,851 43
1856	June 4	124,622	87	1866	July 13	..	64,851 43
	December 4	124,622	87		December 27	149,149	47
1857	June 4	149,547	45	1868	January 26	..	83,485 60
	December 4	149,547	45		May 20	..	83,485 60
1859	June 4	149,547	45	1869	May 13	..	125,228 40
	December 4	149,547	45		September 14	..	125,228 40
1859	June 4	149,547	45	1860	January 5	..	125,228 40
	December 4	149,547	45		April 12	..	125,228 40
1860	June 4	149,547	45		July 16	..	125,228 40
	December 4	149,547	45	1861	May 1	..	125,228 40
1861	June 4	149,547	45		July 19	..	125,228 40
		3,692,155	75			810,034	84
			1,744,604 14				1,744,604 14

(F.)—PADRE MORAN'S CONVENTION, *Original Capital, 983,000 dolls.*

		Sums which ought to have been paid on account of				Sums actually paid on account of	
		Capital.	Interest.			Capital.	Interest.
		<i>Dollars</i>	<i>c.</i>			<i>Dollars</i>	<i>c.</i>
1852	June 4	24,575	0	1853	July 31	..	14,745 0
	December 4	24,575	0		December 4	9,630	0
1853	June 4	24,575	0	1853	September 5	..	14,597 55
	December 4	24,575	0		December 30	24,060	95
1854	June 4	24,575	0	1854	June 5	..	14,086 63
	December 4	24,575	0		December 28	59,324	5
1855	June 4	24,575	0	1855	June 15	24,575	0
	December 4	24,575	0		December 20	..	12,828 15
1856	June 4	24,575	0	1856	July 13	..	12,828 15
	December 4	24,575	0		December 27	29,490	0
1857	June 4	29,490	0	1858	January 25	..	16,514 40
	December 4	29,490	0		May 20	..	16,514 40
1859	June 4	29,490	0	1859	May 12	..	24,771 60
	December 4	29,490	0		September 14	..	24,771 60
1859	June 4	29,490	0	1860	January 5	..	24,771 60
	December 4	29,490	0		April 12	..	24,771 60
1860	June 4	29,490	0		July 16	..	24,771 60
	December 4	29,490	0	1861	May 1	..	24,771 60
1861	June 4	29,490	0				
		611,160	0			157,260	0
			344,969 59				330,197 99



## (G.)—CONVENCION INGLESA, 1o Dividendo, Julio 31 de 1852.

Interesados.	Capital.	Interesados.	Capital.
	<i>Dollars c.</i>		<i>Dollars c.</i>
Martinez del Rio Hermanos .. .. .	1,670,000 00	Schmidt, Higson y Ca. ... ..	13,000 00
G J Martinez del Rio ... .. .	18,000 00	C. Whitehead ... .. .	7,000 00
J P Martinez del Rio ... .. .	12,000 00	J Rodriguez de S. Mignel ... ..	10,000 00
E J Perry ... .. .	51,000 00	J J de Rosas ... .. .	7,000 00
Alejandro Grant ... .. .	97,000 00	C G Kauffmann ... .. .	8,000 00
Rafael Berna ... .. .	22,000 00	Benjamin Laurent ... .. .	5,000 00
	1,867,000 00	Concurso de Guillermo de Drusina y Ca. ... .. .	8,000 00
J. A. de Beategui ... .. .	1,000,000 00	C. A. Fornachon ... .. .	2,000 00
N. De Maza ... .. .	546,000 00	Manning y Mackintosh ... ..	2,000 00
J B. Beugnot ... .. .	801,000 00	Bates, Jamison y Ca. ... ..	914 84
Manuel Escandon ... .. .	187,000 00		
Muriel Hermanos ... .. .	186,000 00	Convencion Ingles ... ..	4,004,914 84
Viuda de Echeverria é hijos ... ..	162,000 00		
J. B. Echave, por Testamentaria de D. Mañerola ... .. .	129,000 00	Convencion Espanola (names not given) ... .. .	983,000 00
J B. Echave, por Testamentaria de J M. Echeverria ... .. .	28,000 00		
McCalmont Geaves y Ca., Testamentaria de F. Montgomery ... ..	117,000 00	Names of Proprietors, or Agents, given in the account of the 2nd Dividend of the Spanish Convention, made on the 4th December, 1853. ... ..	983,625 00
McCalmont Geaves y Ca., por la Compania Unida ... .. .	8,000 00	M J de Lizardi ... .. .	245,750 00
J B. Jecker ... .. .	108,000 00	Cayetano Ralio ... .. .	
Jecker, Torre, y Ca., por C. de Luchet ... ..	64,000 00	McCalmont Geaves & Ca., por M de Embly y Ca. ... ..	184,312 50
Jecker, Torre, y Ca., por Gm. Cochran ... .. .	28,000 00	Jecker, Torre y Ca. ... ..	184,312 50
Jecker, Torre, y Ca. por M. Moreda ... ..	23,000 00		983,000 00
Jecker, Torre, y Ca., por Estevan Miller ... .. .	11,000 00		
J. M. Flores, Testamentaria de F Fagoaga ... .. .	90,000 00		
Agüero Gonzales y Ca. ... .. .	67,000 00		

## CONVENCION INGLESA, 19o Dividendo, Julio 12 de 1861.

Interesados	Capital	Interesados.	Capital
	<i>Dollars c.</i>		<i>Dollars c.</i>
Martinez del Rio Hermanos ... .. .	417,876 83	J J. Schmidt y Ca., por Schmidt, Higson y Ca. ... ..	10,930 00
E. J. Perry ... .. .	50,850 00	Teodore Clavez ... .. .	46,551 73
José de Ansoategui ... .. .	45,254 66	Manue. Hernandez ... .. .	38,000 00
	514 01 29	Jorge S. Whitehead ... .. .	36 66 02
Carlos Byrn ... .. .	1,117,098 94	C y J Whitehead ... .. .	3,242 23
Hermenegildo de Viza ... .. .	50,000 00	J. B. Jecker y Ca., por Guillermo Cochran ... .. .	23,520 00
Id. por Viza Hermanos ... .. .	97 103 45	J B. Jecker y Ca., por Estevan Miller ... .. .	9,240 00
Id. por Francisco Giffard ... .. .	200,000 46	Francisco Colina ... .. .	30,000 00
Id. por Rafael Berna ... .. .	18,460 00	Juan Antonio de Beistegui ... ..	25,000 00
Id. por J. de Manoz y Munoz ... .. .	5,793 10	Juan Antonio de Beistegui por Testamentaria de Azurmendi ... ..	3,764 19
Francisco G de Lizarra ... .. .	368,000 00	J Velasquez de Leon ... .. .	26,827 59
Francisco Morphy ... .. .	206,724 14	José O. Murphy ... .. .	24,512 81
Graham Geaves y Ca. ... .. .	88,906 89	G. B. Glennie ... .. .	14 600 00
Id. por F. Montgomery ... .. .	98,280 00	P Echeverria, por Menores Echeverria ... .. .	12,432 00
Antonio M. Priant ... .. .	170 000 00	A Pamanes ... .. .	9,798 10
J. B. Echave ... .. .	20,000 00	C G. Kauffman ... .. .	8,400 00
Id. por Testamentaria de Mañerola ... .. .	108,360 00	J Rodriguez de San M. gue, ... ..	8,400 00
Id. por J M Echeverria ... .. .	19,320 00	J J. de Rosas ... .. .	5 880 00
Viuda de Echeverria é hijos ... ..	120,103 02	J M Landa, por E. Mugaburu ... ..	1,583 61
N Davidson ... .. .	100,000 00		
Manuel Soriano ... .. .	100,000 00	Convencion Ingles ... ..	4,174,250 00
Alejandro Grant ... .. .	100,000 00	CONVENCION ESPANOLA—	
Agüero Gonzales y Ca. ... .. .	38,850 00	Carlos Byrn ... .. .	309,646 00
Miguel Buch ... .. .	50,000 00	Francisco J de Lizarra ... ..	254,823 50
Francisco Buch ... .. .	10,000 00	Juan Antonio de Beistegui ... ..	164,823 50
Raymundo Mora ... .. .	60,813 98	Miguel Bringas ... .. .	108,240 23
Maria Carrera ... .. .	68,978 86	Francisco Morphy ... .. .	3,189 78
Manuel M Ralio ... .. .	55,000 00		825,720 00
Benjamin Barton ... .. .	45,000 00		

(*Inclosure 2.*)—*The Pakenham Convention, signed October 15, 1842.*  
[See Vol. XLI. Page 738.]

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(*Inclosure 3.*)—*Sub-Convention, signed by Mr. Doyle, November 27, 1852.* [See Vol. XLI. Page 751.]

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(*Inclosure 4.*)—*The Otway Convention, signed August 10, 1858.\**

At a conference held between the Undersigned Minister Plenipotentiary of Her Britannic Majesty and the Minister for Foreign Affairs of the Mexican Republic, with the object of drawing up in due form the new arrangements relative to the fulfilment of the Convention of 4th December, 1851,† for the payment of claims of British subjects against the National Treasury, which, by approval and sanction of his Excellency the Acting President of the Republic, were agreed to on the 31st of last month, in conformity with the contents of the confidential note addressed by the latter to the former on the same date, bearing in mind the previous circumstances of this transaction, the explanations in various conferences with reference thereto, the statement given in writing on the 23rd of the same month by Messrs. Martinez del Rio Brothers, as parties interested in the same Convention and agents thereof, and moreover all that which was stated verbally by Messrs. Martinez del Rio in the last conference as to the losses and injuries sustained in consequence of the delays and want of punctuality in the payments, the large amount which on this account is due to them, and the rights to which, in virtue of the said Convention, they are entitled, especially those conceded by Article VII, of which they might take advantage, as the case provided against has now arisen, being desirous of not carrying matters to this extremity, but on the contrary to conciliate inasmuch as possible the interests of the creditors with the distressed position of the national finances in consequence of the circumstances in which the country finds itself, and profiting by the favourable disposition always evinced by the said creditors, and at the same time the Government being on their part animated by the most sincere desire to protect, in as far as may be in their power, the interests of British subjects, have agreed as follows :

ART. I. For the exact fulfilment, strict observance, and inviolability of the Convention of December 4, 1851, regarding British claims, and with the view of repairing in some degree the injuries sustained by the parties therein concerned from the want of the punctual payment of the quotas assigned, all dividends which from this time forward shall be declared on account of interest, shall be so at the rate of 6 per cent. per annum in lieu of 3 and 4 as hitherto stipulated.

\* Signed in the English and Spanish languages. † Vol. XLI. Page 740.

II. The payments will continue to be made on the terms stipulated in the aforesaid Convention, setting aside for that purpose the assigned quota of 16 per cent. of the import duties of the maritime Custom-Houses, without any alteration or change whatever, and remitting the same in bills, as agreed upon, for delivery to Messrs. Martinez del Rio Brothers.

III. The amounts which have been omitted to be paid to the parties interested, and to which they have a just and indisputable right, will be made good to them whenever the Government shall possess sufficient means, it being impossible to effect this at the present moment, in consequence of their urgent necessities and limited resources.

IV. The aforesaid Convention of the 4th of December, 1851, and all the provisions necessary for its exact fulfilment, remain in full force and vigour without further alteration or change than what is expressly laid down and stipulated in the present Agreement as to the increase of interest, without its being in any way thereby understood to be modified, changed, altered, or with less force and vigour than heretofore, inasmuch as that which is now agreed to is for the sole object and purpose, as already stated, of confirming and ratifying the inviolability and punctual observance thereof; it will, consequently, hold the same force as though it had been literally inserted in the same, and Article VII thereof extended to the present Agreement.

In witness whereof, we the said Minister Plenipotentiary of Her Britannic Majesty and Minister for Foreign Affairs of the Republic of Mexico, have signed the present Protocol, and have affixed thereto our respective seals.

Done in the city of Mexico, on the 10th day of the month of August, in the year of our Lord, 1858.

(L.S.) L. C. OTWAY.

(L.S.) J. M. DE CASTILLO Y LANZAS.

(Inclosure 5.)—*The Doyle Convention, signed December 4, 1851.*

[See Vol. XLI. Page 740.]

*The Sayas or Padre Moran Convention, signed December 6, 1851.*

[See Vol. XLI. Page 745.]

(Inclosure 6.)—*Custom-House Order which formed part of the Doyle and Padre Moran Conventions, though not issued till two months after the Ratification of the two Conventions, Mexico, February 9, 1852.* [See Vol. XLI. Page 750.]

*No. 44.—Sir C. Wyke to Lord J. Russell.—(Rec. September 29.)*

MY LORD,

*Mexico, August 27, 1861.*

DURING the past month the position of affairs has not materially changed in this country, where the hatred and contempt felt for the Government seem daily to increase. Murders and robberies continue to be perpetrated with the greatest impunity, and the precincts of a Legation have not saved the French Minister from an attack on his life, as already reported to your Lordship in a former despatch.

On the 3rd instant the diligence arrived from Pachuca containing a wounded Frenchman, who subsequently died, and the dead body of poor Mrs. Chawner, a pretty young Englishwoman, of only 24 years of age, who, with her husband, was coming to Mexico from the mines of Real del Monte, where he has been employed for some time past as a labourer. They were attacked by robbers at about 6 leagues from this city, who having been beaten off by the other passengers, have not again been heard of. Since then, an Englishman, of the name of Mathews, has been stabbed in one of the most frequented streets of this capital, and other foreigners have been similarly assaulted, but no further deaths have occurred that I am aware of. In all these cases the assailants have come off with perfect impunity, and the Government has not even had the decency to express regret for these outrages, which they are apparently unwilling or unable to prevent.

A more disgraceful state of things than that now existing here it is impossible to conceive in any country pretending to call itself a civilized nation. Mrs. Chawner was the daughter of Stephen Bennett, who was murdered at Pachuca in the month of April last.

General Ortega, who, at the head of a considerable force, has for the last two months been vainly endeavouring to put down the rebellion, at length surprised Marquez at Jalatlaco on the night of the 12th or 13th instant, when he succeeded in capturing some guns, and making 70 or 80 prisoners, Marquez escaping in the confusion, with the rest of his forces.

Instead of following up his success, Ortega immediately returned to Mexico, and thus left Marquez at liberty to reorganize his defeated troops and effect a junction with Mejia, and they both now hold their old position with between 6,000 and 7,000 men.

The friends of Ortega have taken advantage of his pretended success to bring him forward as a candidate for the Presidency, and as all parties are thoroughly disgusted with Juarez, it is not improbable that they may succeed if any legal means can be found of getting rid of the latter. Congress has been summoned to meet on the 30th, when, doubtless, some effort will be made in the sense indicated.

In the meantime, Don Ignacio Comonfort, ex-President of the

Republic, has arrived at Monterey, and is supposed to be intriguing with Doblado, Vidaurri, and several other Governors of States in that part of the country, to put himself at the head of a coalition which would be strong enough, could Marquez and Mejia, as Chiefs of the reactionary party, be got rid of, to upset Juarez and counter-act Ortega. Many people assert that Doblado, who is Governor of Guanajuato, and, as such, at the head of 8,000 men, is working for himself, and using Comonfort as a tool; but, I believe, nobody here knows really what is going on, except that all feel certain that something is about to occur, for the present state of things cannot last much longer.

The civil war now raging, and the weakness of the Government, have encouraged the Indian population to rise against the whites at Ixmiquilpan, about 20 leagues from here, where they have committed dreadful atrocities, thus adding a new element of discord and misery to those already existing. This movement, if not at once checked, may lead to terrible results, as the immense majority of the inhabitants of this Republic belong to the Indian race, which, if properly led, is quite strong enough utterly to exterminate the degenerated and vitiated descendants of the old Spanish conquerors.

The tax on capital now being levied, of which I have treated in a separate despatch, has only tended still further to discredit the Government and increase the number of its enemies, as nobody now can tell when he may not be called on to supply the necessities of an Administration, which is as rapacious as it is dishonest and incapable.

The Decree of the 17th ultimo has had the effect of paralyzing all business at Vera Cruz, where the merchants refuse to remove their goods from the Custom-House, and the Government is thus deprived of the duties which they expected to obtain free from any encumbrance.

All the respectable classes look forward with hope to a foreign intervention as the sole means of saving them from ruin, and preventing a dissolution of the Confederation, as well as a general rising of the Indians against the white population. If either Great Britain or France adopt coercive measures to obtain redress for the violation of the Conventions, and the many other grievances we have to complain of, then the moderate party may take courage and be able to form a Government which would afford some hope for the future; but, without such moral support and assistance, they are afraid to move, and will remain the victims of the two contending factions, whose dissensions have already caused so much misery and bloodshed.

I have, &c.

*Lord J. Russell.*

C. LENNOX WYKE.

*No. 45.—Earl Russell to Earl Cowley.*

(Extract.)

*Foreign Office, September 30, 1861.*

To forcible interference in the internal affairs of an independent nation Her Majesty's Government are, on principle, opposed. It remains to be considered whether Mexico forms an exception to the general rule.

Undoubtedly, in regard to the evils to be remedied, few cases of internal anarchy, bloodshed, and murder can exceed the atrocities perpetrated in Mexico. But, on the other hand, there is no case in which a remedy by foreign interference appears so hopeless.

The contending factions are spread over a vast extent of country; they do not obey any one, two, or three chiefs, but are split into fragments, each of which robs, pillages, and murders on his own account. No foreign army would be likely to establish any permanent or pervading authority over these scattered bodies.

In the next place, the Spanish troops, which form the most available force for the occupation of any forts or positions which may be taken, are peculiarly an object of dislike and apprehension to one of the two parties which divide the country. This dislike arises from a fear that the power of a dominant church might be restored, with the abuses and religious intolerance which accompany it. For opposite reasons, British interference would be just as odious to the Church party.

I may add to these reasons, the universal alarm which would be excited, both in The United States and in the Southern States, at the contemplation of European interference in the domestic quarrels of an American independent Republic.

Without at all yielding to the extravagant pretensions implied by what is called the Monroe doctrine, it would be as a matter of expediency, unwise to provoke the ill-feeling of North America, unless some paramount object were in prospect, and tolerably sure of attainment.

The Spanish Government are of opinion that the successful action of Great Britain, France, and Spain to enforce their just demands, would induce the Mexicans to institute a Government more capable than any which has lately existed, to preserve the relations of peace and friendship with foreign Powers. Should such be the indirect effect of naval and military operations, Her Majesty's Government would cordially rejoice; but they think this effect is more likely to follow a conduct studiously observant of the respect due to an independent nation, than to be the result of an attempt to improve by foreign force the domestic institutions of Mexico.

*Earl Cowley.*

RUSSELL.

*No. 46.—Earl Cowley to Earl Russell.—(Received October 3.)*  
 (Extract.) *Paris, October 2, 1861.*

M. THOUVENEL having been in the country when I received your Lordship's instructions to communicate to him your despatch of the 27th ultimo, containing an account of a conversation which you had had with Mr. Adams on the affairs of Mexico, and the views of Her Majesty's Government as to the course which should be pursued, I sent him a copy of it.

An opportunity for seeing him did not occur until to-day, and I in the meantime received your Lordship's despatch of the 30th ultimo, relating to the employment of a foreign force in that country, which I read to his Excellency before our conversation commenced.

M. Thouvenel said that he had made no proposal to impose, or to influence by an armed force, an arbitration in the internal affairs of Mexico. He had thought it very likely that the employment of force for those legitimate purposes which the British and French Governments had in view might encourage the well-disposed part of the Mexican people, who might feel the gall of the yoke to which they were subjected, to profit by the moment to throw it off, and to substitute something better in its place; and he must confess that, should such turn out to be the case, he did not see why a movement of the kind, if it proved to be decidedly popular, should not receive the support of the Powers who had come to Mexico to seek from an acknowledged bad Government redress for injuries done to their subjects, and for violated engagements towards themselves.

While, therefore, partaking in principle your Lordship's views, and admitting the inexpediency of forcible interference in the internal affairs of an independent nation, he drew a distinction between forcible interference and the indirect encouragement arising out of the presence of forces called to those shores for other purposes, given to the Mexican people to emerge from an odious tyranny.

*Earl Russell.*

COWLEY.

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*No. 47.—Earl Russell to Earl Cowley.*

MY LORD,

*Foreign Office, October 5, 1861.*

I HAVE to acquaint your Excellency that the Queen is prepared to enter into a Convention with France and Spain, the object of which would be to secure the fulfilment by the Government of Mexico of its obligations towards the respective Governments, and to obtain redress for injuries done in Mexico to their respective subjects.

In the opinion of Her Majesty's Government it would be proper to insert in any such Convention a stipulation providing that the forces of the Contracting Parties shall not be employed for any



other objects than those which I have specified, and especially that they shall not interfere with the internal Government of Mexico.

Her Majesty's Government consider that the Government of The United States should be invited to adhere to any such Convention; but they would not think it necessary that, in anticipation of meeting with the concurrence of The United States, the 3 Powers should defer the commencement of the contemplated operations against Mexico.

If the Government of the Emperor should be willing to enter into such a Convention as I have described, a draft of it shall forthwith be sent to your Excellency, for communication to M. Thouvenel.

I have directed Sir John Crampton to make a similar overture to the Spanish Government. I am, &c.

*Earl Cowley.*

RUSSELL.

*No. 48.—Earl Russell to Sir J. Crampton.*

SIR,

*Foreign Office, October 5, 1861.*

I HAVE to acquaint you that the Queen is prepared to enter into a Convention with France and Spain, the object of which would be to secure the fulfilment by the Government of Mexico of its obligations towards the respective Governments, and to obtain redress for injuries done in Mexico to their respective subjects.

In the opinion of Her Majesty's Government it would be proper to insert in any such Convention a stipulation providing that the forces of the Contracting Parties should not be employed for any other objects than those which I have specified, and especially that they should not interfere with the internal Government of Mexico.

Her Majesty's Government consider that the Government of The United States should be invited to adhere to any such Convention; but they would not think it necessary that, in anticipation of meeting with the concurrence of The United States, the 3 Powers should defer the commencement of the contemplated operations against Mexico.

If the Government of Her Catholic Majesty should be willing to enter into such a Convention as I have described, a draft of it shall forthwith be sent to you for communication to Marshal O'Donnell.

I have directed Earl Cowley to make a similar overture to the French Government. I am, &c.

*Sir J. Crampton.*

RUSSELL.

## GREAT BRITAIN AND SPAIN.

7 3.—*Sir J. Crampton to Earl Russell.*—(*Received October 11.*)  
17 LORD, *San Ildefonso, September 21, 1861.*

ON the receipt of your Lordship's telegram, I lost no time in making the inquiry therein directed, as to whether the Spanish Government would object to ask The United States to act in concert with England and France in relation to the affairs of Mexico.

Marshal O'Donnell, without saying anything which implied an opinion that the co-operation of The United States in this matter would in itself be objectionable, observed that the Government of that country was probably too much engrossed in its internal affairs to be able at the present moment to direct its attention elsewhere; and added that the Spanish Government, which had already displayed great patience under extraordinary provocation, could at all events not now postpone the measures which it had determined to adopt, and which were called for by the country in vindication of its rights.

Spain, the Marshal observed, by inviting England and France to join with her in a common line of action in Mexico had given sufficient proof that she did not desire to secure to herself any exclusive advantages in that country, and still less that she designed to avail herself of its distracted condition, with a view to the conquest or re-annexation of any part of it.

In his opinion nothing could be more detrimental to the true interests of Spain than the recovery of her ancient possessions in America; whatever may have been the sentiments of former Governments of Spain, a sounder view of this matter was now, he thought, well established in the minds of all persons who had duly reflected upon the subject. With regard to Cuba and the Philippines it was different, because their insular position and other circumstances still rendered their position advantageous to the mother country; but to seek to extend her dominion on the Continent of America would be a most mistaken policy for Spain, even if circumstances were to favour its practicability. The recent acquisition of Spain in Santo Domingo might, his Excellency remarked, appear to be a deviation from this principle; but the proximity of Santo Domingo to Cuba rendered it a point from which the safety of the latter might be menaced, were it to fall into the hands of parties hostile to Spain.

I took occasion to remark that, although I was not in possession of your Lordship's views upon this subject, further than they might be inferred from the question I had just put to his Excellency, there were circumstances which, in my opinion, rendered it desirable that the Government of The United States should, at all events, be invited to act in concert with the European Powers in regard to Mexico. The extreme jealousy felt by every political party in

America in regard to intervention or interference of any sort by European Powers in the affairs of the New World was well known. Her Majesty's Government, it was true, could never recognize what was commonly called the "Monroe doctrine," nor did I believe that any other European Government was likely to subscribe to it. But the repeated announcement of this maxim by successive Presidents of The United States as a fundamental principle of their policy, and its eager acceptance as such by the American people, rendered it sufficiently evident that European intervention in the affairs of Mexico would be viewed by them as an infringement of an imagined right, and if now undertaken without their being consulted, and at a time when it would appear to them that advantage was taken of their internal troubles to make light of their influence, and perhaps to realize projects repugnant to their political sympathies, a strong feeling of resentment would not fail to be created, in which both sections of the now divided Union would concur. Although this feeling might not, under present circumstances, manifest itself in measures of actual hostility, influences could, nevertheless, be brought to bear by parties in The United States upon the affairs of Mexico, sufficiently powerful to cause embarrassment to Spain, or any other European Power, which had a political object to achieve in that country.

Marshal O'Donnell did not deny that there was some force in these considerations, and replied that as it was no part of the design of Spain to take advantage of the powerless condition of The United States with a view of either reconquering Mexico or of re-establishing monarchy there, he did not see that there existed any positive objection to the concurrence of The United States in the measures proposed by Spain. With regard to the expediency, however, of a proposal to that effect being made by Spain to The United States, he would request me to speak with M. Calderon Collantes, when the question would be brought by that Minister under the immediate consideration of the Cabinet.

On communicating with M. Calderon Collantes I found his Excellency in no way indisposed to take the subject into consideration; and he promised shortly to inform me of the decision of the Cabinet. M. Calderon did not seem to anticipate any objection to the proposal of Her Majesty's Government to invite The United States to join in a common line of action with Great Britain, France, and Spain. His Excellency, however, made the same reserve as Marshal O'Donnell had done, viz., that Spain could in no case postpone her action in order to secure the co-operation of the American Government. I have, &c.

*Earl Russell.*

JOHN F. CRAMPTON.

*No. 50.—Sir J. Crampton to Earl Russell.—(Received October 11.)*  
 (Extract.) *San Ildefonso, September 24, 1861.*

I took the earliest opportunity after the receipt of your Lordship's telegram, to call Marshal O'Donnell's attention to the rights of Her Majesty's Government upon the Custom's revenue of Vera Cruz and Tampico.

These rights, I observed, were sanctioned by a Convention with Mexico; and Her Majesty's Government had claimed of the Mexican Government that the Customs of those ports should be placed under the control of British Commissioners with a view to the satisfaction of British claims, it being understood that those Commissioners should also pay the sums due by Mexico to other nations, and which were guaranteed by mortgage on the revenues of the same Customs.

I added that I made this communication by direction of Her Majesty's Government, in order to avoid any misunderstanding which might arise in regard to the rights of Great Britain at Vera Cruz and Tampico in case Spain should find it necessary to take military possession of those ports.

Marshal O'Donnell replied that in case it was found necessary to occupy Vera Cruz and Tampico, and that such occupation was effected by the combined action of England, France, and Spain, as he hoped would be the case, the 8 Powers would have no difficulty in apportioning their respective claims upon the Customs revenues there collected under their authority. If, on the other hand, Spain were to act alone, and to hold possession of Vera Cruz and Tampico, she would not on that account be the less ready to recognize, and to the best of her power enforce, the legitimate rights which Great Britain and other friendly Powers might have previously acquired there. As matters now stood it appeared that Mexico, by an Act of her Congress, had repudiated the claims of all nations upon her Custom-House revenues, and, consequently, the blockade or military occupation of her ports by Spain could not, by causing a suspension of commerce, place the interests of the parties to whom their Customs revenue was pledged in a worse position than they now were; but if Spain were thus enabled to enforce her own claims, she would undoubtedly respect those of other nations.

Marshal O'Donnell expressed the opinion that if England, France and Spain were to combine their forces, no resistance would be attempted by Mexico. If Spain acted alone it might be otherwise, and this made him desire that a common line of action might be agreed upon.

This being his view, I inquired whether the Spanish Government would not consent to defer its action until Great Britain and France could concert together as to the best measures to be taken?

Marshall O'Donnell replied that paramount considerations rendered it impossible for Spain to consent to delay the measures she had decided upon beyond the period which he had previously mentioned to me, viz., the beginning of November before which time naval or military operations on the coast of Mexico could not be undertaken, on account of the prevalence of the yellow fever and the West India hurricanes.

The grievances of which the Spanish Government had to complain were of long standing, and they had waited with patience for more than 6 months in the vain hope of some satisfaction for them being afforded, and more especially for the indignity offered in the dismissal of the Spanish Minister from Mexico. Cortes would assemble in the course of next month; and the Spanish Government would be unable to justify themselves before that body and the nation if they were to defer beyond what was rendered necessary by material obstacles the vindication of its rights and dignity.

This inevitable delay would, however, he expressed the hope, afford time for England and France to concert together, and with Spain, the measures necessary for combined action.

Marshal O'Donnell renewed to me on this occasion the assurances he had formerly given, that Spain had no views of conquest upon Mexico, and that he was entirely opposed to the notion of re-establishing, by foreign influence, a monarchical form of government in that country, or otherwise meddling with the internal administration of its Government.

*Earl Russell.*

JOHN F. CRAMPTON.

*No. 54.—Sir J. Crampton to Earl Russell.—(Received October 24.)*  
(Extract.) *Madrid, October 9, 1861.*

ON the receipt of your Lordship's telegram of the 5th instant I sought an interview with Marshal O'Donnell, as well as with M. Calderon Collantes, and stated Her Majesty's Government were prepared to enter into a Convention with France and Spain for the purpose of obtaining reparation from Mexico for the injuries received by their respective subjects, and for securing the fulfilment of the obligations entered into by Mexico towards their respective Governments.

I observed that Her Majesty's Government proposed that it should be provided by an Article of the Convention, that the forces of the Contracting Parties are not to be employed for any ulterior object, and especially that they are not to interfere with the internal government of Mexico. I said that Her Majesty's Government desire that the Government of The United States should be invited to adhere to the Convention; adding, however, that Her Majesty's

## GREAT BRITAIN AND SPAIN.

ernment did not consider that any delay in the commencement of operations ought to be permitted on this account.

Marshal O'Donnell replied, that the proposal of Her Majesty's Government should be immediately submitted to the consideration of the Cabinet.

This was accordingly done, and M. Calderon Collantes, on the 8th instant, communicated to me the views of Her Catholic Majesty's Government in regard to the proposed Convention.

The Spanish Government, M. Calderon said, were very willing to conclude with England and France a Convention for the objects which I had stated to him on the part of Her Majesty's Government.

They agreed to the insertion of an Article in the Convention to the effect that the forces of the High Contracting Parties should not be employed for any ulterior object. Spain, his Excellency remarked, had no such object in view: she neither sought to reconquer any part of Mexico, or to re-establish a Monarchical Government there in favour of any European Prince or other person; nor had she any intention of endeavouring to place one or other of the contending factions in Mexico at the head of the Government of the Republic. The Spanish Government felt no difficulty, therefore, in concurring with Her Majesty's Government in the opinion that no armed intervention in the internal government of Mexico should be attempted.

The only point, consequently, in regard to which he could perceive any shade of difference in the views of Her Majesty's Government and those of Spain in this respect was, that Her Catholic Majesty's Government was of opinion that, considering the great influence which must necessarily be exercised by the very presence of the combined forces of England, France, and Spain, upon the internal state of Mexico, it would be well that they should endeavour to profit by the impression which could not fail to be created thereby upon the Mexican people, to exercise a moral influence upon the contending parties, with a view of inducing them to lay down their arms, and come to an understanding for the formation of a Government which would offer some guarantee to the allies for the fulfilment of the engagements of Mexico towards their respective Governments, for a better observance of her international duties in future, and one which would afford some prospect, at least, of a cessation of the miseries to which that unfortunate country had so long been exposed. This, his Excellency said, he thought the 3 Powers were bound in honour to attempt, both on the grounds of humanity and of policy; and perhaps more on the ground of humanity than of policy. It was not generally borne in mind M. Calderon remarked, that at the bottom of the civil strife in Mexico there was a contest between two races. The Spanish race

was at all times in a minority in that country; and, from natural causes, the disproportion between it and the original Indian race was continually increasing. If these causes continued to operate unchecked by the moral superiority of the European element, and were aggravated by a continual recurrence of intestine struggles, there could be no doubt that the germs of civilization which had been originally planted by Spain would be crushed out, and the country would relapse into something of the same condition in which it was found by Hernan Cortes. This was a consummation which he thought the European Powers ought to make at least an effort to prevent.

I remarked, in reply, that I did not doubt Her Majesty's Government would entirely concur with his Excellency in thinking that the object which he proposed to himself was both a politic and a humane one; and if by moral influence was meant the offer of advice to the Mexican Government to refrain from civil strife, Her Majesty's Government would, I felt sure, not hesitate now to do, conjointly with Spain and France, what they had done singly on more than one occasion. If, however, more than this was intended by the Spanish Government, I confess I felt at a loss as to the means of effecting any real change in the state of Mexico without the application of actual force, or without exerting the influence of the intervening Powers in favour of one or the other of the contending factions. Besides this, it appeared evident to me that the object proposed, if it were to be effected at all, must be the work of time, and, consequently, could not be effected within any definite period. I would, therefore, inquire whether the Spanish Government contemplated the continuance of the occupation of the Mexican ports until such time as a Government such as they should desire to see established in Mexico should be constituted.

M. Calderon replied certainly not; the Spanish occupation would be limited to what was necessary for obtaining the redress of wrongs inflicted upon Spanish subjects, and satisfaction for acts inconsistent with the rights and dignity of the Spanish Government; and would if possible, not be prolonged beyond the period at which the climate would render the stay of the troops and vessels dangerous to their health and safety.

*Earl Russell.*

JOHN F. CRAMPTON.

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*No. 55.—Lord Lyons to Earl Russell.—(Received October 28.)*  
(Extract.) *Washington, October 14, 1861.*

I HAD the day before yesterday the honour to receive your Lordship's despatch of the 28th ultimo, relative to the affairs of Mexico.

I had, a few hours later in the day, an interview with Mr. Seward.



In the course of conversation he introduced the subject of Mexico. I found that he had not yet received Mr. Adams' report of the conversation which he held with your Lordship on the 25th ultimo, concerning the proposal of The United States to assume the payment of the interest of the Mexican debt to Great Britain and France.

He told me that he had already sent instructions to The United States' Ministers in London and Paris which would enlarge their powers of negotiation, and which would in particular enable them to engage that The United States should provide for the interest of the debt to Spain, and also for the satisfaction, to a certain extent (as I understood), of the general claims of Great Britain, France, and Spain, upon Mexico. He was (he said) on the point of sending similar instructions to The United States' Minister at Madrid. He had been informed that the Spanish Government having heard that England and France were about to intervene in Mexico, had determined to be beforehand with them, and had already prepared an expedition which was ready to sail from Cuba. Would it not be wise to avoid the complications which could not but follow such an expedition, by assenting to an arrangement which would provide for the material interests of the three European Powers, and postpone to a more favourable moment difficult and dangerous questions?

I said to Mr. Seward that I presumed that he would receive in the course of the day reports from Mr. Adams and Mr. Dayton of the manner in which his proposals had been received by your Lordship and M. Thouvenel. He would, I observed, find that grave objections to them were entertained both in London and in Paris. I proceeded, in obedience to your Lordship's instructions, to speak to Mr. Seward in the sense in which your Lordship had spoken to Mr. Adams, as set forth in your despatch to Earl Cowley dated the 27th ultimo. I said in particular that Her Majesty's Government were as apprehensive as Mr. Seward himself could be, of an attempt to build upon a foundation of debts due, and injuries inflicted, by Mexico, a pretension to establish a new Government in that country. Her Majesty's Government thought, however (I proceeded to observe), that the most effectual mode of guarding against this danger would be for Great Britain, The United States, and France to join Spain in a course of action the objects and limits of which should be strictly defined beforehand. This certainly appeared more prudent than to allow Spain to act alone now, and afterwards to oppose the results, of her operations, if she should go too far.

Mr. Seward appeared to be unwilling to abandon his own plan, which would, he said, have the advantage of rendering all interference on the part of European Powers in the affairs of Mexico entirely superfluous.

*Earl Russell.*

LYONS.

*No. 58.—Lord Lyons to Earl Russell.—(Received October 31.)*

MY LORD,

*Washington, October 17, 1861.*

MR. SEWARD mentioned to me yesterday that he had received a despatch from Mr. Adams, stating that he had waited upon your Lordship in Scotland, and communicated to you the proposal that The United States should assume the payment of the interest on the foreign debt of Mexico. Mr. Seward told me that Mr. Adams reported that your Lordship had not agreed to the proposal, but had stated your intention to make a counter-proposal. This, Mr. Seward said, was perhaps as favourable a reception of his plan as could be expected at the first moment.

He proceeded to inform me that he had received a communication from M. Tassara, the Spanish Minister here, stating that the expedition which Spain was prepared to send against Mexico was intended solely to seek redress for the wrongs suffered by Spain herself, and not at all to interfere with the internal affairs of Mexico, or to change the form of government in that country.

Mr. Seward added that M. Tassara had further informed him that it was under consideration whether Spain should make the expedition alone or in conjunction with England and France. If the latter course were adopted the concert of The United States would (M. Tassara had assured Mr. Seward) be invited by the 3 Powers.

Mr. Seward appeared to be very unwilling to admit that his own proposal to assume the payment of the interest of the debt was not likely to be accepted either in London, Paris, or Madrid.

I have, &c.

*Earl Russell.*

LYONS.

*No. 59.—Earl Russell to the Lords Commissioners of the Admiralty.*

MY LORDS,

*Foreign Office, October 31, 1861.*

I HAVE the honour to acquaint your Lordships that I have this day signed, on behalf of Her Majesty, with the Plenipotentiaries of France and Spain a Convention, having for its object the adoption of measures of coercion against Mexico for the protection of the persons and properties of the subjects of the respective States, and for securing a fulfilment of the obligations contracted by the Republic of Mexico towards the Sovereigns of Great Britain, France, and Spain.

In pursuance of the provisions of this Convention the Contracting Powers propose to employ on the coast of Mexico a sufficient naval and military force, and I am accordingly to signify to your Lordships Her Majesty's pleasure that a force consisting of two line of battle ships, 4 frigates, and an adequate number of smaller vessels, should be sent to Vera Cruz, and that a body of supernumerary

marines to the amount of 700 men should be embarked on board those ships, with a view to their being landed and employed on shore if circumstances should require it.

I am further to signify to your Lordships Her Majesty's pleasure that the Admiral or other senior officer in command of this force should be instructed to place himself in communication with the officers commanding the French and Spanish forces, and in concert with them to demand:

1. Full satisfaction and reparation for the wrongs suffered by the 3 nations; and

2. That the forts of Vera Cruz should be at once delivered up to the forces of the 3 nations as a guarantee for the performance of such conditions as may be agreed upon.

I have further to state to your Lordship that it is the intention of the 3 Powers severally to name a Commissioner to frame, in concert with the officers commanding the naval forces of the 3 Powers, the Articles an assent to which will be demanded of the Mexican Government, or of the persons exercising authority in Mexico; and that Sir Charles Wyke, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary, will be empowered to act as Commissioner on behalf of Her Majesty, and with that view he will be instructed to embark on board the ship of the British Admiral, or of the officer in command of Her Majesty's forces.

The troops and marines of the combined forces will remain in possession of the forts of Vera Cruz and other forts, if taken, until further order.

Her Majesty has been pleased likewise to signify her pleasure that Rear-Admiral Maitland should be instructed to possess himself of the harbour of Acapulco, or any other port on the Pacific coast of Mexico, with the exception of Mazatlan, which he may consider it necessary to occupy with a view to secure the objects of the Convention; but Mazatlan is not to be occupied without special orders.

I inclose, for your Lordships' information, a copy of the Convention\* under which these operations are to be carried out, although some days must elapse before the ratifications of it can be exchanged.

I am, &c.

*The Lords Commissioners of the Admiralty.*

RUSSELL.

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*No. 60.—Earl Russell to Sir C. Wyke.*

SIR,

*Foreign Office, October 31, 1861.*

I TRANSMIT to you herewith confidentially, inasmuch as the ratifications of it have not yet been exchanged, a copy of a Convention\* which I have signed this day with the Plenipotentiaries of France and Spain respecting the measures of coercion which England,

France, and Spain are prepared jointly to adopt for the protection of the persons and properties of their respective subjects in Mexico, and for securing the fulfilment of the obligations contracted by the Republic of Mexico towards the respective Sovereigns.

I also inclose a copy of a letter which I have addressed to the Lords Commissioners of the Admiralty, signifying Her Majesty's pleasure as to the measures to be taken on the part of Her Majesty in fulfilment of the engagements undertaken by her in this Convention; and, in conformity with what is stated in my letter, I have to instruct you to embark on board the ship of the Admiral, or of the senior officer commanding Her Majesty's ships, and at the proper time to undertake the duties of Commissioner on behalf of Her Majesty under the Convention, and to frame in concert with Admiral Milne, and with the Commissioners of France and Spain and the officers commanding the naval forces of those two countries, the Articles an assent to which will be demanded of the Mexican Government, or of the persons exercising authority in Mexico.

You will instruct Her Majesty's Consuls at the ports which may be determined on, to collect, in concert with the French and Spanish Consuls at those ports, the Custom duties, and to pay them over according to such rules as the Commissioners may jointly lay down.

I am, &c.

Sir C. Wyke.

RUSSELL.

(Inclosure.)—*Convention between Her Majesty, the Queen of Spain, and the Emperor of the French, relative to Combined Operations against Mexico; signed at London, October 31, 1861. [See Vol. LI. Page 63.]*

No. 62.—*Earl Russell to Sir C. Wyke.*

SIR,

Foreign Office, November 1, 1861.

I HAVE to instruct you forthwith to repair to Jamaica with all the members of Her Majesty's Mission.

Admiral Milne has been directed to send a ship of war without delay to Vera Cruz to receive you on board and convey you and your suite to Jamaica; and subsequently to convey you and one of the Attachés of Her Majesty's Mission from Jamaica to Bermuda, or wherever the Admiral may be.

You will leave the rest of the Mission at Jamaica until you require their services.

In joining the Admiral you will embark on board the flag-ship.

The Admiral will deliver to you the further instructions for your guidance which will be sent to his care.

I am, &c.

Sir C. Wyke.

RUSSELL.

*No. 67.—Earl Russell to Sir C. Wyke.*

Sir,

*Foreign Office, November 1, 1861.*

You should be most careful to observe with strictness Article II of the Convention signed yesterday between Great Britain, France, and Spain, by which it is provided that no influence shall be used in the internal affairs of Mexico calculated to prejudice the right of the Mexican nation freely to choose and establish its own form of government.

Should any Mexican, or any party in Mexico, ask your advice on such subjects, you will say that any regular form of government which shall protect the lives and properties of natives and of foreigners, and shall not permit British subjects to be attacked or annoyed on account of their occupations, their rights of property, or their religion, will secure the moral support of the British Government.

I am, &amp;c.

*Sir C. Wyke.*

RUSSELL.

*No. 77.—Earl Russell to Lord Lyons.*

My Lord,

*Foreign Office, November 6, 1861.*

I TRANSMIT to you herewith a copy of a Convention\* between Her Majesty, the Queen of Spain, and the Emperor of the French, for combined operations against Mexico, which was signed at London on the 81st of October.

Your Lordship will perceive that by Article IV of this Convention the Contracting Parties engage to communicate a copy of it to the Government of The United States, and to invite that Government to accede to it; and that, in anticipation of its consenting to do so, the Representatives of the 3 Powers at Washington shall be immediately furnished with full powers authorizing them, either jointly or separately, to conclude and sign with the Plenipotentiary who may be named by the President of The United States an identical Convention, with the omission merely of Article IV.

I have accordingly to instruct your Lordship to make a proposal to that effect to the Secretary of State of The United States, in such form as may be agreed upon between yourself and the French and Spanish Ministers, and you will receive the requisite full power to enable you, either jointly with them or separately, to sign the Convention with a Plenipotentiary of The United States.

You will take care not to conclude this matter, either in form or substance, without coming to a complete and clear understanding with the French and Spanish Ministers.

I am, &amp;c.

*Lord Lyons.*

RUSSELL.

*No. 80.—Earl Russell to Sir C. Wyke.*

(Extract.)

*Foreign Office, November 15, 1861.*

THE instructions of the Emperor of the French are similar in substance to those which I have transmitted to you.

The French Government have contemplated a case of which I had not taken notice. It is supposed that the Mexicans may withdraw from Vera Cruz, destroying their fortifications, and refuse to enter into any agreement or negotiation whatever. In such a case the French Government maintain that the allied Powers could not allow themselves to be baffled; they could not permit their subjects to be ill-treated and defrauded, nor 3 powerful Governments to be defied with impunity.

The French Government in such a case, therefore, suppose that the allied forces would march on Mexico, and there require the reparation which had not been obtained on the coast. I have nothing to say against this reasoning or the measures in contemplation.

But, as regards Her Majesty's forces, you are aware that no land forces have been directed to join the British portion of the expedition. A body of 700 Marines is the whole force set apart for this service, which can be employed on shore for any length of time; neither the constitution of this force nor its amount would allow of its being employed in a march upon Mexico.

You will, therefore, if such a case should arise, decline to direct the marines to take part in the operations against Mexico; but it is essential that uniformity should be preserved in the demands to be made upon the *de facto* authorities of Mexico.

I do not think it necessary to give you more detailed information. Her Majesty's Government have entire reliance upon your judgment and discretion: they would be unwilling to fetter that discretion by minute directions upon hypothetical cases. They would prefer, in regard to operations of much difficulty, where concert is necessary, and the aspect of affairs may vary from day to day, to leave you to the guidance of your own judgment, enlightened as that judgment will be by local information and experience. Her Majesty's Government are confident that Sir A. Milne and yourself will in the performance of your present arduous duties be guided by that zeal for the public service, and by that judgment and discrimination, of which you have both given satisfactory proofs.

*Sir C. Wyke.*

J. RUSSELL.

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*No. 81.—Earl Russell to Sir C. Wyke.*

SIR,

*Foreign Office, November 15, 1861.*

I ENCLOSE, for your information and guidance, a copy of a

further letter which I have addressed to the Lords Commissioners of the Admiralty, modifying to a certain extent that part of my previous letter of the 31st of October which related to operations on the Pacific Coast of Mexico.

Her Majesty's Government are of opinion that if the Mexican authorities should accede to the terms which will be proposed to them, and should put the allied forces in possession of Vera Cruz, it may be unnecessary to undertake operations on the Pacific coast. But at all events they think it best, before any such operations are commenced, that you, in conjunction with Admiral Milne, and with the Ministers and Commanders of France and Spain, should have the opportunity of determining whether such operations are desirable.

If such is the case you will apprise Rear-Admiral Maitland of the result of your deliberations, and in requesting him to proceed to execute the contingent instructions with which he is furnished by the Lords of the Admiralty, you will further inform him of the steps which he should take for collecting the duties of Customs at the ports which he may occupy, and of the manner in which he should dispose of the money which he may thereby raise.

It is possible that the Mexican Government, not opposing the occupation of Vera Cruz by the allies, may decline to enter into any Convention, and may divert their exports to the ports on the Pacific. This is a contingency for which the instructions to Admiral Maitland are intended to provide.

I am, &c.

Sir C. Wyke.

RUSSELL.

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No. 89.—*Sir C. Wyke to Earl Russell.*—(*Received November 27.*)  
(Extract.) *Mexico, October 28, 1861.*

I was much gratified in learning, by the receipt of your Lordship's despatches of the 21st and 31st of August last, that the line of conduct I adopted in negotiating with this Government to obtain the repayment of the 660,000 dollars stolen from the Legation, and the 400,000 dollars from the Laguna Seca conducta, as reported in my correspondence of the months of June and July last, had been entirely approved of by Her Majesty's Government.

The instructions contained in your Lordship's despatch of the 21st of August enabled me to act in the only way that can be successful with a Government which, from the patient forbearance hitherto shown by Her Majesty's Government, had come to the conclusion that they could commit any and every outrage with impunity.

I was unwilling to use the power with which your Lordship had invested me by sending in an ultimatum, without first of all trying to reason them into the necessity of complying with the demands



which, just in themselves, would soon be urged in such a manner as to compel the Government of the Republic to listen to them with attention.

With this object in view, I wrote a note to Señor de Zamacona, the Minister for Foreign Affairs, informing him that I had received by the English mail, which had just arrived, instructions from Her Majesty's Government, the tenor of which I was anxious to acquaint him with. He immediately replied that he would call on me at 4 o'clock the same day, at which hour he duly arrived at the Legation.

On my informing him of the nature of your Lordship's instructions, and even reading them to him, in order that no doubt should exist on the subject, he was as much astonished as alarmed, and expressed an earnest wish that I should not communicate with him in writing on a subject so serious, until he had acquainted the President and his colleagues the other Ministers with the actual state of the case, after which he would call on me again and acquaint me with the views of his Government.

Eight days elapsed without my seeing him, and he then returned to negotiate with me for the settlement of a question the gravity of which he had at length become fully aware of. From that day to this, that is to say, during 3 weeks, he had been with me for two hours at least out of every 24, urging the impossibility of complying with your Lordship's demands, and trying to obtain better terms than those I insisted on.

I told him that I was willing in every way to spare their *amour propre* and extreme susceptibility, as far as was consistent with my duty; but that the essential substance of what was required must be conceded, or else I should withdraw the Mission from the Republic, which would thus have to bear the responsibility of a refusal.

The two principal objections to be overcome consisted in the repayment of the 660,000 dollars robbed from the Legation, and the appointment of interventors at the different ports: the first, because it involved the necessity of their practically recognizing a principle they had hitherto always repudiated, viz., their responsibility for the acts of the other Government; and the second, because the presence of such agents was looked on as a national humiliation, which it would be disgraceful in them, as a Government, to consent to.

Added to these was the all but impossibility of their procuring resources which would enable them to comply with our demands. At this juncture Mr. Corwin, The United States' Minister, informed them that he had instructions to negotiate a Convention with them, by which, on their giving certain guarantees, such as pledging the

remains of their Church property, waste lands, &c., the American Government would engage to pay 3 per cent. interest annually on their English debt, for the space of 5 years, provided at the end of that time Mexico would repay the money so advanced with 6 per cent. interest thereon.

Señor de Zamacona at once wished to hand me over to my American colleague who, he felt sure, would guarantee the payment of the interest on the English debt, and thereby settle the very disagreeable questions existing between his Government and this Legation. He seemed so pleased with this new solution of his pressing difficulties that it was quite painful to wake him out of his happy day-dream by the declaration that such a combination could not be entertained, and that his Government alone must be held responsible for what it owed us.

After he had recovered from the perception of this unpleasant truth, he reflected that the money would still be forthcoming, and that he had only first of all to receive it from The United States in order to pay it back again to Great Britain. This point once settled, we set to work again, when he immediately stumbled over the insurmountable difficulty of the appointment of interventors for the reasons already stated, and, as if that was not sufficient, declared the impossibility of finding funds from which to pay the Legation and Laguna Seca robberies.

To this I replied, that if they refused our conditions, we should appoint the interventors, and by seizing their ports with a naval force, pay ourselves and their other creditors out of the duties levied at such ports. This brought him back again to the point from which we had diverged, and he then said, with some degree of truth, that, independent of the difficulty of getting the President to look at the question in its proper point of view, it was useless to wound the susceptibilities of the nation, as any agreement he made with me which had that result was certain to be repudiated by the Congress, and would utterly defeat the object we had in view. I then persuaded him that what I required could easily be reconciled with the national honour, and even prove highly advantageous to the pecuniary interests of the Republic, by giving it another form, and putting aside the name of "interventor" altogether. This point at length settled, as I will hereafter explain, the next question was, where the money was to come from wherewith to pay the sums before referred to, as 59 per cent. of their import duties being mortgaged to us alone, it was clear it could not be taken from the remaining 41 per cent. out of which they have to pay the French Convention and other assignments to foreign creditors.

Some time ago they made over 20 per cent. of some extra-duties called "*mejoras materiales*" to Don Manuel Escaudon for the pur-

pose of aiding him to construct a railroad between this city and Vera Cruz. Now as, this railroad plan is little better than a chimera, and they have no right to squander their money in this way whilst leaving their debts unpaid, I suggested the propriety of stopping Don Manuel's allowance, and employing one-half of it towards the liquidation of their debt to us, and keeping the other for their own more pressing necessities.

I will not any longer take up your Lordship's time by detailing the means by which, in long and weary interviews, I day by day gained my ground, until at length I think I may say I have carried my point, and brought Señor Zamacona to agree to a settlement of the difficulty on terms which, although slightly modified in form from what your Lordship instructed me to demand, will still in substance, I trust, prove satisfactory to Her Majesty's Government.

Our interviews only terminated this afternoon ; and as soon after the departure of the English mail as possible, I shall draw up the Articles of a Convention embodying the following Agreement :

1. Repayment of the Legation and Laguna Seca robberies, with 6 per cent. interest on the first and 12 per cent. interest on the second, by the additional 10 per cent. on extra import duties above referred to as "mejoras materiales."

2. The payment of arrears of interest due to the London and Convention bondholders to be made good by consigning 30 per cent. of the import duties at all the ports for the former, and 29 per cent. for the latter, until said arrears are paid off, when the percentage on such duties will again revert respectively to 25 and 12 per cent. as heretofore.

3. Such sums owing to both classes of bondholders as were in the hands of the Custom-House authorities at the time of the suspension of payments, caused by the law of the 17th of July last, shall be paid out of the aforesaid 10 per cent. extra duties styled "mejoras materiales," which, as already stated, are set aside for paying the claims arising out of the Legation and Laguna Seca robberies ; and these payments shall be made of said extra duties when the losses caused by those robberies have been reimbursed.

4. The Consuls at the different ports shall be authorized to claim the inspection of any books, accounts, documents, or manifests in the respective Custom-Houses, as they consider necessary to verify the receipts and accounts of the same ; and, finally, any commercial house paying duties to the Government on goods imported without first of all receiving the receipts from the bondholders' agents for their percentage on such duties shall, as well as the Custom-House authorities, render themselves liable to be sued by law for the recovery of double the amount of such duties.

5. Before signing the Convention containing the above stipulations, the Government will address me an official note engaging to use their best efforts to carry a measure through Congress for the alteration of the tariff, whereby the duties on English manufactured goods shall be reduced to nearly one-half of what is now levied on them.

Such, my Lord, is the outline of the Convention which I hope to sign with this Government in the course of the ensuing month; and if I succeed in doing so, I think the bondholders will have every reason to be satisfied with the bargain made for them.

As it would have been impossible for this Government to fulfil such engagements without the pecuniary aid afforded to them by the American Government, and as that aid will not be forthcoming until the month of January next, the stipulations of this Convention will not come into force until that period, dating from the 1st day of the month.

The extended power given to our Consuls, together with the agent's right to prosecute all parties defrauding the bondholders of their proper percentage on the duties, are advantages only to be equalled by those arising from extending the collection of such percentage to all the ports in the Republic, instead of its being confined to Tampico and Vera Cruz.

The reduction in duties will also have an immense effect in largely increasing our commercial relations with this country, which have hitherto been cramped by the enormous duties levied on our manufactured goods.

With these people one must never count on anything until it is actually done; therefore I must not boast of my success until the Convention is actually signed, which I hope it will be within the next fortnight.

As it was under the pressure of fear that this Government has yielded, it becomes absolutely necessary for our future prestige and influence here that a respectable naval force shall soon make its appearance in the waters of Vera Cruz, and in the event of the Mexican Government ever failing to comply with the engagements which they have entered into, I should be authorized to employ such naval force as I could then procure from Jamaica or elsewhere, in order to force them to perform their duty, without waiting until I could obtain instructions from home to that effect.

With such power placed in my hands, I should be able to prevent much mischief, as well as future annoyance to Her Majesty's Government.

I cannot speak in terms of sufficient praise of my American colleague, Mr. Corwin, who throughout this transaction has acted with me most cordially, having refused to negotiate his Convention

with this Government until he learnt from me that I had settled all pending difficulties with them, as he was determined that the money to be advanced by his Government should be applied for the purpose it was intended, and not uselessly squandered, as it otherwise would have been, to no purpose.

As the interest due on the French Convention is a mere trifle in comparison to ours, I have strongly urged this Government to satisfy the just reclamations of the French Legation with respect to its suspension, and they have assured me that they will use their best efforts to come to some satisfactory arrangement of this question with M. de Saligny.

*Earl Russell.*

C. LENNOX WYKE.

*No. 90.—Earl Russell to Sir J. Crampton.*

SIR,

*Foreign Office, November 28, 1861.*

I RECEIVED, last night, from Sir Charles Wyke a despatch dated the 28th of October, the substance of which I propose now to communicate to you.

I should explain in the first instance, that in the proceedings reported in this despatch, Sir Charles Wyke was engaged in carrying out the instructions contained in my despatch to him of the 21st of August, of which a copy is herewith inclosed for your information, and from which you will learn the nature of the demands which he was at that time instructed to make on the Government of Mexico in the name of Her Majesty's Government.

On the receipt of this instruction Sir C. Wyke placed himself in communication with the Mexican authorities, with the view, if possible, to avoid the necessity of presenting an ultimatum.

The two principal difficulties which Sir C. Wyke had to meet in the course of the discussions which followed were, first, the objection to the repayment of the sum robbed from Her Majesty's Legation; and secondly, the proposed appointment of interventors at the ports.

The objection to the first of these demands was grounded on the principle that the actual authorities do not hold themselves responsible for the acts of their predecessors; and as regards the interventors, it was urged that such an arrangement would be regarded as a national humiliation which it would be disgraceful for the Mexican Government to consent to.

The impossibility of raising funds to meet the pecuniary demands of Her Majesty's Government was also urged upon Sir C. Wyke. But a proposal made by the Minister of The United States placed the matter in a new aspect.

That Minister informed the Mexican authorities that he had

instructions to negotiate a Convention with them by which, on their giving certain guarantees, such as pledging the remains of the Church property, waste lands, &c., the American Government would engage to pay 3 per cent. per annum on the Mexican debt to England for the space of 5 years, provided that at the expiration of that period Mexico would repay the money so advanced, with 6 per cent. interest thereupon.

The difficulties raised as to the repayment of the Legation and Laguna Seca robberies, and as to the appointment of interventors, came next under discussion; but Sir C. Wyke states that he eventually carried his point, and that he thinks he may say, that he has brought Señor Zamacona, with whom the discussion was carried on, to agree to a settlement on terms which, though slightly modified from those proposed, might still prove satisfactory to Her Majesty's Government.

The terms thus arrived at are contained in the Articles herewith inclosed for your information, and which Sir C. Wyke proposed immediately to embody in the form of a Convention, which he states that he hoped he should succeed in inducing the Mexican Government to sign in the course of last month.

As it was understood that it would be impossible for the Mexican Government to fulfil such engagements without the pecuniary aid afforded to them by the American Government, and as that aid was not to be forthcoming until the month of January next, it was arranged that the stipulations of the proposed Convention should not come into force until the 1st of January, 1862.

Such is the state of the case as reported by Sir C. Wyke; but with reference to the fact that the Convention was not yet signed, and that the terms agreed upon had only been conceded upon the pressure of fear, Sir C. Wyke has urged the presence of a naval force at Vera Cruz, and that he should be authorized, in case of necessity, to have recourse to force to compel a compliance with the British demands as then made.

Sir C. Wyke has further urged the Mexican Government to satisfy the claims of the French Legation as regards the suspension of interest due on the French Convention, and the Mexican Government have assured him that they would use their best efforts to come to some satisfactory arrangement with M. de Saligny.

Having stated the history of these negotiations, and the result which has been reached, I have now to communicate to you the view which Her Majesty's Government take of this transaction.

The terms obtained by Sir Charles Wyke fulfil, generally speaking the separate requirements of Great Britain; but no security is obtained that those terms will be observed any better than former stipulations and engagements.

That security, if to be found at all, is to be found in the Convention which Her Majesty has concluded with France and Spain.

The advantage of having obtained the consent of the Mexican Government to these conditions consists, first, in the precision with which Sir Charles Wyke has drawn up the British demands; and secondly, in the assent of the Mexican authorities to the terms thus laid before them.

The task of the British Commissioner is thus rendered easy, and the work of our respective Missions will be facilitated.

It would greatly add to the facility and abridge the time of negotiation if the Government of the Queen of Spain should be able to communicate to Her Majesty's Government the terms which they would think it necessary to require for the reparation of the wrongs they have sustained at the hands of Mexico, and the safety of their subjects for the future.

I am, &c.

*Sir J. Crampton.*

RUSSELL.

*No. 91.—Earl Russell to Earl Cowley.*

MY LORD,

*Foreign Office, December 2, 1861.*

I RECEIVED on the 27th instant from Sir C. Wyke, a despatch dated the 28th of October, the substance of which I propose now to communicate to you.

I should explain, in the first instance, that in the proceedings reported in this despatch, Sir C. Wyke was engaged in carrying out the instructions contained in my despatch to him of the 21st of August, of which a copy is herewith inclosed for your information, and from which you will learn the nature of the demands which he was at that time instructed to make on the Government of Mexico in the name of Her Majesty's Government.

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The two principle difficulties which Sir C. Wyke had to meet in the discussions which followed, were—first, the objection to the repayment of the sum robbed from Her Majesty's Legation; and secondly, the proposed appointment of interventors at the ports.

The objection to the first of these demands was granted on the principle that the actual authorities do not hold themselves responsible for the acts of their predecessors, and, as regards the interventors, it was urged that such an arrangement would be regarded as a national humiliation, which it would be disgraceful for the Mexican Government to consent to.

The impossibility of raising funds to meet the pecuniary demands of Her Majesty's Government was also urged upon Sir



C. Wyke; but a proposal made by the Minister of The United States placed the matter in a new light.

That Minister informed the Mexican authorities that he had instructions to negotiate a Convention with them, by which, on their giving certain guarantees, such as pledging the remains of the church property, waste lands, &c., the American Government would engage to pay 3 per cent. per annum on the Mexican debt to England for the space of 5 years, provided that, at the expiration of that period, Mexico would repay the money so advanced, with 6 per cent. interest thereupon.

The difficulties raised as to the repayment of the Legation and Laguna Seca robberies, and as to the appointment of interventors, came next under discussion; but Sir C. Wyke states that he eventually carried his point, and that he thinks he may say that he has brought Señor Zamacona, with whom the discussion was carried on, to agree to a settlement on terms which, though slightly modified from those proposed, might still prove satisfactory to Her Majesty's Government.

The terms thus arrived at are contained in the Articles herewith inclosed for your information, and which Sir C. Wyke proposes immediately to embody in the form of a Convention, which he states that he hoped he should succeed in inducing the Mexican Government to sign in the course of last month.

As it was understood that it would be impossible for the Mexican Government to fulfil such engagements without the pecuniary aid afforded to them by the American Government, and as that aid was not to be forthcoming until the month of January next, it was arranged that the stipulations of the proposed Convention should not come into force until the 1st of January, 1862.

Such is the state of the case, as reported by Sir C. Wyke; but with reference to the fact that the Convention was not yet signed, and that the terms agreed upon had only been conceded under the pressure of fear, Sir C. Wyke has urged the presence of a naval force at Vera Cruz, and that he should be authorized, in case of necessity, to have recourse to force to compel a compliance with the British demands as there made.

Sir C. Wyke has further urged the Mexican Government to satisfy the claims of the French Legation, as regards the suspension of interest due on the French Convention, and the Mexican Government have assured him that they would use their best efforts to come to some satisfactory arrangement with M. de Saligny.

Having stated the result of these negotiations, and the result which has been reached, I have now to communicate to you the view which Her Majesty's Government take of this transaction.

The terms obtained by Sir C. Wyke fulfil, generally speaking,

the separate requirements of Great Britain. But no security is obtained that those terms will be observed any better than any former stipulations and engagements.

That security, if to be found at all, is to be found in the Convention which Her Majesty has concluded with France and Spain.

The advantage of having obtained the consent of the Mexican Government to these conditions consists—first, in the precision with which Sir C. Wyke has drawn up the British demands; and, secondly, in the assent of the Mexican authorities to the terms thus laid before them.

The task of the British Commissioners is thus rendered easy, and the work of our respective Missions will be facilitated.

It would greatly add to the facility and abridge the time of negotiation if the Government of the Emperor of the French should be able to communicate to Her Majesty's Government the terms which they would think it necessary to require for the reparation of the wrongs they have sustained at the hands of Mexico, and the safety of their subjects for the future.

I am, &c.

*Earl Cowley.*

RUSSELL.

*No. 96.—Lord Lyons to Earl Russell.—(Received December 16.)*

MY LORD,

*Washington, December 3, 1861.*

WITH reference to my despatch of the 29th ultimo, I have the honour to inform your Lordship that on the following day M. Tassara the Spanish Minister, received the instructions and full powers necessary to enable him to join M. Mercier and me in inviting the Government of The United States to accede to the Convention for combined operations against Mexico, which was signed in London on the 31st of October last. We lost no time in addressing a collective note to Mr. Seward, inviting in the name of the Governments of Great Britain, France, and Spain, the accession of The United States to the Convention. I have the honour to inclose a copy of the note. No answer has yet been made to it.

I have, &c.

*Earl Russell.*

LYONS.

*(Inclosure.)—MM. Tassara and Mercier and Lord Lyons to Mr. Seward.*

*Washington, le 30 Novembre, 1861.*

LES Soussignés, Envoyés Extraordinaires et Ministres Plénipotentiaires de leurs Majestés la Reine d'Espagne, l'Empereur des Français, et la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, ont l'honneur de transmettre ci-joint à l'Honorable Secrétaire d'Etat le texte d'une Convention conclue à Londres le 31

Octobre entre leurs Souverains respectifs, dans le but d'obtenir par une action commune le redressement de leurs griefs contre la République du Mexique.

Ainsi qu'il a été stipulé entre les Hautes Parties Contractantes, les Soussignés ont reçu l'ordre d'inviter le Gouvernement des Etats-Unis à accéder à cet Acte; et en adressant cette invitation à l'Honorable Secrétaire d'Etat, ils s'empressent de l'informer qu'ils sont munis de pleins pouvoirs nécessaires à l'effet de conclure et de signer collectivement ou séparément avec le Plénipotentiaire désigné par le Président des Etats-Unis une Convention indentique.

Rien ne serait plus agréable aux Gouvernements d'Espagne, de France, et de la Grande Bretagne que de voir celui des Etats-Unis accueillir favorablement leur proposition, et en priant l'Honorable Secrétaire d'Etat de vouloir bien leur faire connaître la décision du Président, les Soussignés, &c.

GABRIEL J. TASSARA.  
HENRI MERCIER.  
LYONS.

W. H. Seward, Esq.

No. 98.—*Sir J. Crampton to Earl Russell.*—(Rec. December 22 )  
MY LORD, *Madrid, December 15, 1861.*

I HAVE communicated to M. Calderon Collantes the substance of your Lordship's despatch of the 28th ultimo, giving the history of the negotiations between Sir C. Wyke and the Mexican Government, and the result which had been reached; and acquainting me, at the same time, with the view which Her Majesty's Government take of this transaction.

I told M. Calderon Collantes that the terms obtained by Sir Charles Wyke fulfil, generally speaking, the separate requirements of Great Britain; but I added that the agreement which had been thus come to with the Mexican Government in no way altered the position of Her Majesty's Government as regards the Convention which Great Britain had concluded with France and Spain.

That Convention, I observed, affords, in fact, the only security that the terms agreed upon by the Mexican Government on this occasion shall be better observed than former stipulations and engagements.

The advantage, therefore, of having obtained the consent of the Mexican Government to these conditions, consists in the precision with which the British demands have been stated, and the assent of the Mexican authorities to the terms laid before them.

The task of the British Commissioners was, I remarked, thus rendered easy, and the work of our respective missions would be facilitated; but it was the opinion of Her Majesty's Government that it would greatly add to that facility if the Government of the

Queen of Spain should be able to communicate to them the terms which Her Catholic Majesty's Government would think it necessary to require for the reparation of the wrongs they had sustained at the hands of Mexico, and the safety of their subjects in future.

M. Calderon replied that he entirely entered into the views of Her Majesty's Government in this respect, and that as far as Spain was concerned, nothing could be easier than to state with precision the terms which she on her part would require of the Mexican Government. These terms are, in fact, embodied in the Convention concluded with Miramon, and confirmed by the Treaty Mon-Almonte, which had been repudiated by the succeeding Government of Mexico upon the same monstrous principle which the Mexican Government had attempted to oppose to the demands of Sir C. Wyke, viz., that the actual authorities do not consider themselves responsible to foreign nations for the acts of their predecessors. Upon the fulfilment of these engagements the Spanish Government would insist, and all that they would demand in addition to them would be, the infliction of due punishment upon the perpetrators of the assassinations which had since been committed upon Spanish subjects.

This, he considered, however, to a capital point; for if the Mexican Government was unable or unwilling to administer justice in such flagrant cases, what hope could we entertain of their fulfilling other engagements? If the lives of British subjects had in any instance been sacrificed, he presumed that as a matter of course the punishment of the assassins would be made by Her Majesty's Government a primary condition to any arrangement with the Mexican Government.

In conclusion, M. Calderon expressed the opinion that the readiest way of coming to the understanding proposed by Her Majesty's Government with a view to facilitating the negotiations, would be that the Commissioners of Spain and Eng'and should be instructed by their respective Governments to communicate to each other the terms which each would think it necessary to insist upon in satisfaction for past wrongs, and as security for the future observance of international duties by Mexico.

I have, &c.

*Earl Russell.*

JOHN F. CRAMPTON.

*No. 102.—Lord Lyons to Earl Russell.—(Received December 25.)*

MY LORD,

*Washington, December 6, 1861.*

I HAVE the honour to inclose a copy of a note addressed to M. Tassara, M. Mercier, and to me, by which the Government of The United States announces its refusal to accede to the Convention for combined operations against Mexico, which was signed in London on the 31st of October last.

The note was sent last night to M. Tassara, without any intimation that similar notes had not been sent to M. Mercier and me. It consequently did not occur to M. Tassara to communicate it to us; and it was only accidentally that I learnt of its existence just in time to procure a copy for my messenger of to-day.

I have, &c.

Earl Russell.

LYONS.

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(*Inclosure.*)—*Mr. Seward to MM. Tassara and Mercier and Lord Lyons.*

*Washington, December 4, 1861.*

THE Undersigned, Secretary of State of The United States, has the honour to acknowledge the receipt of a note which was addressed to him on the 30th day of November last, by M. Gabriel G. Tassara, Minister Plenipotentiary of Her Majesty the Queen of Spain; M. Henri Mercier, Minister Plenipotentiary of His Majesty the Emperor of the French; and Lord Lyons, Minister Plenipotentiary of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland.

With that paper the aforesaid Ministers have submitted the text of a Convention which was concluded at London on the 31st October last, between the Sovereigns before named, with the view of obtaining through a common action, the redress of their grievances against the Republic of Mexico.

In the preamble, the High Contracting Parties say that they have been placed, by the arbitrary and vexatious conduct of the authorities of the Republic of Mexico, under a necessity for exacting from the authorities a more effective protection for the persons and property of their subjects, as well as the execution of obligations contracted with them by the Republic of Mexico, and have agreed to conclude a Convention between themselves, for the purpose of combining their common action in the case.

In Article I the High Contracting Parties bind themselves to make, immediately after the signing of the Convention, the necessary arrangements to send to the shores of Mexico land and sea forces combined, the effective number of which shall be determined in a further exchange of communications between the Governments, but the total of which must be sufficient to enable them to seize and occupy the various fortifications and military positions of the Mexican sea-coast. Also, that the Commanders of the allied forces shall be authorized to accomplish such other operations as may, on the spot, be deemed most suitable for realizing the end specified in the preamble, and especially for insuring the safety of foreign residents. And that all the measures which are thus to be carried into effect shall be taken in the name and on account of

the High Contracting Parties, without distinction of the particular nationality of the forces employed in executing them.

In Article II the High Contracting Parties bind themselves not to seek for themselves, in the employment of the coercive measures foreseen by the present Convention, any acquisition of territory, or any peculiar advantage, and not to exercise, in the subsequent affairs of Mexico, any influence of a character to impair the right of the Mexican nation to choose, and fully to constitute, the form of its own government.

In Article III the High Contracting Parties agree that a Commission, composed of 3 Commissioners, one appointed by each of the Contracting Powers, shall be established, with full power to determine all questions which may arise from the employment and distribution of the sums of money which shall be received from Mexico, having regard to the respective rights of the Contracting Parties.

In Article IV, the High Contracting Parties, expressing the desire that the measures which it is their intention to adopt may not have an exclusive character, and recognizing the fact that the Government of The United States, like themselves, has claims of its own to enforce against the Mexican Republic, agree that immediately after the signing of the present Convention a copy of it shall be communicated to the Government of The United States, and that this Government shall be invited to accede to it, and that in anticipation of such accession, their respective Ministers at Washington shall be provided with full powers to conclude and sign, collectively or severally, with a Plenipotentiary of The United States, to be designated by the President, such an instrument. But as the High Contracting Parties would expose themselves, in making any delay in carrying into effect Articles I and II of the Convention, to peril in the end which they wish to attain, they have agreed not to defer, with a view to obtaining the accession of The United States, the commencement of the stipulated operations beyond the period at which their combined forces may be united in the vicinity of Vera Cruz.

The Plenipotentiaries in their note to the Undersigned invite The United States to accede to the Convention. The Undersigned having submitted the subject to the President will proceed to communicate his views thereon.

First, as the Undersigned has heretofore had the honour to inform each of the Plenipotentiaries now addressed, the President does not feel himself at liberty to question, and he does not question, that the Sovereigns represented have undoubted right to decide for themselves the fact whether they have sustained grievances, and to

resort to war with Mexico for the redress thereof, and have a right, also to levy the war severally or jointly.

Secondly, The United States have a deep interest, which, however, they are happy to believe is an interest held by them in common with the High Contracting Powers and with all other civilized States, that neither of the Sovereigns by whom the Convention has been concluded shall seek or obtain any acquisition of territory, or any advantage peculiar to itself, and not equally left open to The United States and every other civilized State, within the territories of Mexico; and especially that neither one nor all of the Contracting Parties shall, as a result or consequence of the hostilities to be inaugurated under the Convention, exercise in the subsequent affairs of Mexico any influence of a character to impair the right of the Mexican people to choose and freely to constitute the form of its own government.

The Undersigned renews on this occasion the acknowledgment heretofore given, that each of the High Contracting Parties had informed The United States, substantially, that they recognized this interest; and he is authorized to express the satisfaction of the President with the terms in which that recognition is clearly embodied in the Treaty itself.

It is true, as the High Contracting Parties assume, that The United States have, on their part, claims to urge against Mexico. Upon due consideration, however, the President is of opinion that it would be inexpedient to seek satisfaction of these claims at this time, through an act of accession to the Convention. Among the reasons for this decision which the Undersigned is authorized to assign, are, first, that The United States, so far as it is practicable, prefer to adhere to a traditional policy recommended to them by the father of their country, and confirmed by a happy experience, which forbids their making alliances with foreign nations. Secondly, Mexico being a neighbour of The United States on this continent, and possessing a system of government similar to our own in many of its important features, The United States habitually cherish a decided goodwill towards that Republic, and a lively interest in its security, prosperity, and welfare.

Animated by these sentiments, The United States do not feel inclined to resort to forcible remedies for their claims at the present moment, when the Government of Mexico is deeply disturbed by faction within, and exposed to war with foreign nations; and, of course, the same sentiments render them still more disinclined to allied war against Mexico than to war to be urged against her by themselves alone.

The Undersigned is further authorized to state to the Plenipo-



tentiaries, for the information of the Sovereigns of Spain, France, and Great Britain, that The United States are so earnestly anxious for the safety and welfare of the Republic of Mexico, that they have already empowered their Minister residing there to enter into a Treaty with the Mexican Republic, conceding to it some material aid and advantages which, it is hoped, may enable that Republic to satisfy the just claims and demands of the said Sovereigns, and to avert the war which those Sovereigns have agreed among each other to levy against Mexico. The Sovereigns need not be informed that this proposal to Mexico has been made, not in hostility to them, but with a knowledge of the proceedings frankly communicated to them, and with the hope that they might find, through the increased ability of Mexico to result from the Treaty, and her willingness to treat with them upon just terms, a mode of arresting the hostilities which it is the object of the Convention now under consideration to inaugurate.

What has thus far been done by the American Minister at Mexico under these instructions has not yet become known to this Government, and the information is looked for with deep interest.

Should these negotiations offer any sufficient ground on which to justify a proposition to the High Contracting Parties in behalf of Mexico, the Undersigned will hasten to submit such a proposition to those Powers. But it is to be understood, first, that Mexico shall have acceded to such a Treaty; and secondly that it shall be acceptable to the President and Senate of The United States.

In the meantime the High Contracting Parties are informed that the President deems it his duty that a naval force should remain in the gulf of Mexico, sufficient to look after the interests of American citizens in Mexico during the conflict which may arise between the High Contracting Parties and that Republic; and, secondly, that the American Minister residing in Mexico be authorized to seek such Conference in Mexico with the belligerent parties as may guard either of them against inadvertent injury to the just rights of The United States, if any such shall be endangered.

The Undersigned having thus submitted all the views and sentiments of this Government on this important subject to the High Contracting Parties in a spirit of peace and friendship not only towards Mexico, but towards the High Contracting Parties themselves, feels assured that there will be nothing in the watchfulness which it is thus proposed to exercise that can afford any cause for anxiety to any of the parties in question.

The Undersigned, &c.

WILLIAM H. SEWARD.

*MM. Tassara and Mercier and Lord Lyons.*

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*No. 103.—Lord Lyons to Earl Russell.—(Received December 23.)*  
 MY LORD, *Washington, December 9, 1861.*

I HAVE the honour<sup>d</sup> to transmit to your Lordship a copy of a collective note, by which M. Tassara, M. Mercier, and I have acknowledged the receipt of Mr. Seward's note of the 4th instant, conveying the refusal of The United States' Government to accede to the Convention of the 31st October for combined operations against Mexico.

I purpose to communicate a copy of Mr. Seward's note to Sir Charles Wyke, sending it under flying-seal to Vice-Admiral Sir Alexander Milne.

I have, &c.

*Earl Russell.*

LYONS.

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*(Inclosure)—MM. Tassara and Mercier and Lord Lyons to Mr. Seward.*

*Washington, le 7 Décembre, 1861.*

LES Soussignés, Envoyés Extraordinaires et Ministres Plénipotentiaires de leurs Majestés la Reine d'Espagne, l'Empereur des Français, et la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, ont l'honneur d'accuser réception à l'Honorable Secrétaire d'Etat de la note qu'il a bien voulu leur adresser sous la date du 4 de ce mois, en réponse à celle par laquelle ils lui ont communiqué le texte de la Convention conclue à Londres entre leurs Souverains dans le but de régler par une action commune leurs différends avec la République Mexicaine, et ont invité le Gouvernement des Etats-Unis à accéder à cet Acte. Ils vont s'empresser de transmettre cette réponse à leurs Cours respectives.

Les Soussignés, &c.

GABRIEL J. TASSARA.

HENRI MERCIER.

*W. H. Seward, Esq.*

LYONS.

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*No. 106.—Sir C. Wyke to Earl Russell.—(Rec January 1, 1862.)*  
 (Extract.) *Mexico, November 25, 1861.*

By the last mail I was enabled to give your Lordship some idea of the effect produced upon President Juarez and his Cabinet by the instructions contained in your Lordship's despatches of the 21st and 31st of August last, while I at the same time explained to your Lordship for what reasons and to what extent I had taken upon myself the responsibility of modifying those instructions.

The result of these modifications was, as I had the honour of stating in my despatch of the 28th ultimo, that I obtained a starting-point from which to commence my operations with some chance of success. It would of course have been far easier to demand from this Government a plain "yes" or "no" to the ultimatum I was

instructed to present to them, but I felt sure Her Majesty's Government, determined though they were to obtain from Mexico the satisfaction that had been so long denied them, would prefer doing so by ordinary means to employing force.

In order, therefore, to obtain what was required, I did not hesitate to adopt a line of conduct which, by being somewhat more palatable to the susceptible Mexicans, would not in reality interfere with the requirements of Her Majesty's Government.

Your Lordship will have seen that, even under those circumstances, it was only after the greatest trouble I obtained the outline of a Convention that was embodied in my despatch of the 28th ultimo above alluded to. Since that time my difficulties have greatly increased.

I nevertheless continued my negotiations with this Government through the medium of their Minister for Foreign Affairs, with whom I consented to treat unofficially at the Legation; and it will now be my duty to lay before your Lordship the results which have been arrived at.

First of all comes the reduction of the tariff. I had informed Señor Zamacona that unless the Government consented to a *bond fide* reduction, it would be useless for us to think of negotiating a Convention having for its basis the old system of duties; that Her Majesty's Government insisted upon this point, and that it would be far better for his Government to yield with a good grace than eventually to be forced into compliance with our demands.

This in the eyes of the Minister for Foreign Affairs seemed an insurmountable difficulty, for, said he, Congress will be certain to throw out any Bill that carries with it even the semblance of foreign interference. This I know to be too true, and I therefore proposed that the reduction should come apparently from Congress itself, as a voluntary act resulting from the Report of the Mixed Commission which some time back had been named for examining into the state of the present tariff.

This idea struck Señor Zamacona as a good one, and he promised to do his best to have it carried out: fresh obstacles, however, soon presented themselves; while intrigues of every kind were being practised to prevent Congress sanctioning any reformation whatever in the tariff.

Luckily at this moment the Finance Department was offered to a person of considerable merit, socially and politically, Señor Gonzales Echeverria, who had just returned from Europe for the purpose of settling his affairs in the country previous to leaving it for good.

When, however, Señor Echeverria looked into the state of his

department, he found everything in such hopeless confusion that he refused to undertake the charge. I was then asked to see him as a last hope; during our interview I was so much struck with his good common sense, and with the clear notion he had formed of his country's condition, that I tried to persuade him to accept office; at first he refused, telling me that it was too late to do any good, and that he was convinced nothing but foreign intervention could now save Mexico, but I am happy to say that I at least got him to consent to my request.

His acceptance of office, added to my carefully abstaining from menacing Congress in any way, and to Señor Zamacona's untiring exertions, seem to have produced the desired effect, for when the Tariff Commission a few days ago presented to Congress their proposed reform, it was duly taken into consideration, and though not accepted as it stood, was not *de facto* rejected.

According to the existing tariff, goods, besides paying high import duties, were compelled to satisfy endless additional duties after leaving the Custom-House, and before coming into the market. The Commission, therefore, proposed a reduction of 50 per cent. on the import duties, and a further reduction, though not of an equal amount, on the additional duties.

I at once, upon this plan of reform becoming known, called a meeting of the British merchants here, in order to obtain their opinion in the matter. They one and all owned that the reduction was very much in favour of trade generally, but Mr. Whitehead, agent for the London bondholders, considered that as the assignments due to the body he represented came out of the import duties, and as those duties were to be diminished by one-half, whereas the additional duties, which were not taxed with assignments, were not reduced in the same proportion, he would be the loser, inasmuch as it would require the introduction of double the amount of goods annually to enable Government to pay the bondholders their assigned quota of import duties, and that such an event could hardly be expected with the additional duties at so high a figure.

I explained that so long as Mexico by reducing her tariff really benefited trade, we had no right to insist upon her effectually crippling herself for the sake of being able actually to square the balance-sheet of the bondholder, or fix the exact ticket to be placed on each separate piece of shirting that came into the country.

Congress, however, threw out the proposal for a reduction of 50 per cent., and passed a law, copy of which I beg to inclose herewith, by which Government was authorized to reform the tariff upon a basis of 40 per cent. reduction on the import duties, and to reduce

the additional duties by about 42 per cent., making a clear reduction on all duties to which foreign goods are liable, of somewhat more than 41 per cent.

This plan was preferable to the first for many reasons: though it was not quite so beneficial for trade generally, yet it affected pretty equally both the bondholder and the merchant, and had the immense advantage of taking the tariff reform out of the hands of Congress, and placing it under the sole control of Government.

When Señor Zamacona asked me if I would consent to the system of reduction on the above basis, I told him I could have no objection to it, if Government would add a clause clearly specifying that neither as regarding import, export, or additional duties, would any change whatever be allowed without at least 6 months' notice being given.

Here a fresh dispute arose, as it appeared to the Minister for Foreign Affairs that my request implied a doubt as to the honesty of his Government. I insisted, however, upon this clause as a *sine qua non*. Had I not done so, the Government might at any moment have added to their list of additional duties upon the plea of necessity, and so entirely annulled the advantages of the new tariff system.

Besides the above clause, I have obtained a further one, providing for the tariff coming into operation within 4 months of its publication. The Government wanted it to come into operation 2 months after date, while the merchants required 6 months' law, so that I had no alternative but to take a period between the two.

This, my Lord, is the outline of the proposed new tariff; it will not be possible to have the tariff itself worked out in detail for this mail, and I can therefore merely give your Lordship an idea of the result that will be produced, by inclosing a comparative statement of duties payable on a supposed cargo under the old and new systems; by which it will be seen that a cargo of merchandize which is now liable to 100,000 dollars import duties, and to 81,000 dollars additional duties, would, under the new system, if honestly carried out, be subject to 60,000 dollars import duties, and 46,500 dollars additional duties; thus paying 106,500 dollars for all duties, instead of 181,000 dollars, this being equivalent, as I stated above, to a reduction on the whole duties paid by foreign merchandize, of somewhat more than 41 per cent.

The tariff question being thus satisfactorily disposed of, I set to work again on the proposed Convention, but I found, as I anticipated, that in the interval, fresh difficulties had sprung up, and that it would be absolutely necessary to modify the plan that we had originally proposed. This was a matter of comparative indifference to me, provided I obtained the essential points necessary to be secured.

I will not weary your Lordship by giving a detailed account of daily interviews with Señor Zamacona, in which as soon as one difficulty was got rid of another sprung up, and this in endless succession, until finally, on the 21st instant, I succeeded in persuading Señor Zamacona to sign with me a Convention, copy of which I have herewith the honour to inclose.

In Article I, the long-disputed question of the payment of those sums of money robbed from the conducta and the British Legation is at length satisfactorily settled, by an extra assignment corresponding to 10 per cent. of the import duties to be taken out of that portion of the additional duties commonly known under the denomination of "mejoras materiales."

In Article II, 6 per cent. on the \$60,000 dollars stolen from the Legation, and 12 per cent. on the money still due from the conducta robbery, is secured by an assignment on the same fund, to date from the time the money was taken.

In Article III, all Treaties, Conventions, and Agreements heretofore concluded between the two High Contracting Parties are declared to be binding in their totality on both parties, and the Supreme Decrees of the 14th of October, 1850, and the 23rd of January, 1857, are likewise to remain in full force and vigour in all that concerns the London bondholders.

Article IV settles the manner of payment of such sums of money owing to the London bondholders and the Convention bondholders as were in the hands of the Custom-House authorities at the time all payments were suspended by the Law of the 17th of July, together with 6 per cent. interest thereon.

Article V secures the interests of the French Convention and the arrears due on other claims, as arranged by Admiral Penaud: after the payment of which the quota belonging to the British Convention bondholders shall be augmented, as before agreed on, by 2 per cent. additional.

Article VI gives the British Consuls and bondholders' agents at all the ports in the Republic the real *bond fide* powers of intervenors, without outraging the national feelings as would have been done by the means proposed in the ultimatum.

Article VII secures the due and punctual payment to the bondholders of their proper share of the duties to be paid on every cargo arriving in a manner never before obtained, thereby saving the immense loss inflicted on them by the irregular way in which these payments have hitherto been made to them.

Article VIII settles the date from which the several assignments above alluded to shall commence.

Article IX frees the Mexican Government from the respon-

abilities of a debtor, from the time these several assignments are paid to the agents of the bondholders at the several ports.

Article X stipulates that in all concerning either the appointment of interventors with fuller powers, or the payment of assignments such as those above alluded to, no advantage shall hereafter be accorded to any foreign nation that is not by the same act also accorded to Her Majesty's Government.

Such, my Lord, is the Convention that was duly signed and sealed on the 21st instant by Señor Zamacona and myself, after the exchange of a couple of notes, copies of which I have the honour herewith to inclose.

The object of these communications was, on his part, to secure the passing of the Convention through Congress, as by the tone of them it would appear that the Government had been acting from a spirit of justice, instead of being under the undue pressure of menaces from this Legation. On mine, it was to aid him in this laudable effort, as well also as to secure an official declaration from this Government, binding them to the reduction of the tariff which I had in reality made the basis of my operations.

I conceive that by the arrangement above detailed I had secured all the real objects we had in view, and that with the great advantage of obtaining them by means of persuasion instead of by the employment of force.

That a display of such force would have been temporarily necessary to carry it out, I think probable; but that once made, and the determination of Her Majesty's Government not to be trifled with thus exemplified, all would have gone on smoothly, and we should thus have obtained all we required.

How the arrangement I had thus concluded has been nullified by Congress having thrown out the Convention by a large majority, must form the subject of a separate despatch, in which I will detail all that has taken place here since its rejection.

Had it been ratified by that body, I should have made it the foundation for a final settlement with this Government of all pending claims, as well as for obtaining compensation for the relatives of such British subjects as have been murdered here up to the present time with impunity. Such an arrangement I could, I doubt not, have made during the presence in these waters of a powerful English squadron, but now the obstinacy of the Legislature has destroyed my combinations, and reduces the settlement of these questions to the future employment of brute force.

*Earl Russell.*

C. LENNOX WYKE.



(*Incluse 1.*)—*Law fixing the Bases for the Reduction of the Tariff.*  
Mexico, le 15 Novembre, 1861.

Le citoyen, Benito Juarez, Président Constitutionnel des Etats-Unis Mexicains, à leurs habitants faisons savoir :

Que le Secrétariat du Souverain Congrès de l'Union m'a adressé le Décret suivant :

Le Congrès de l'Union a cru devoir décréter ce qui suit :

ART. I. Le Gouvernement est autorisé à dresser un nouveau tarif des Douanes maritimes et frontières en opérant, dans celui qui est en vigueur, toutes les réformes que l'expérience a démontré être indispensables pour concilier les intérêts du trésor, du commerce, de l'agriculture, et de l'industrie.

II. En agissant ainsi, il se soumettra aux bases suivantes :

1. Il dictera toutes les mesures indispensables afin que le travail ne fasse pas défaut aux agriculteurs, aux industriels, et aux artisans.

2. Il pourra réduire jusqu'à un 40 pour cent les droits d'importation que paient actuellement les articles étrangers, conformément au tarif en vigueur.

3. Il établira les droits additionnels suivants :

Le municipal, tel qu'il est aujourd'hui ;

Celui de "mejoras materiales," 30 pour cent sur les droits d'importation ;

Celui d'internation, 15 pour cent sur les mêmes droits ;

Celui de "contra-registro," 30 pour cent sur les mêmes droits ;

Celui de 2½ pour cent pour le Ministère de Fomento.

III. Le tarif que dressera le Gouvernement, suivant les règles établies dans l'Article qui précède, ne pourra être modifié, en tout ou en partie, tant que le Congrès ne dictera pas de nouvelles bases, en vertu de ses facultés constitutionnelles.

Donné dans le Salon des Séances du Congrès de l'Union, à Mexico, le 15 Novembre, 1861.

MANUEL DUBLAN, *Député Président.*

JUAN N. GUZMAN, *Député Secrétaire.*

M. M. OVANDO, *Député Secrétaire.*

*Palais du Gouvernement Fédéral à Mexico,*

*Le 18 Novembre, 1861.*

Pourquoi j'ordonne que le présent soit imprimé, publié, mis en circulation et dûment exécuté.

*José Gonzalez Echegarria.*

BENITO JUAREZ.

*(Inclosure 2.)—Schedule showing the amount of Duties that would be paid under the reduced Tariff voted by Congress, by a cargo of merchandize which now pays 100,000 dollars import duties.*

*Mexico, November 25, 1861.*

*Under the Present System.*

	Dollars.	Dollars.	Dollars.
Import duties .. .. .	100,000		
Additional duties:			
Mejoras materiales .. .. .	20,000		
Internation .. .. .	10,000		
Contra-registro .. .. .	80,000		
Railway or amortization .. .. .	15,000		
Departmental .. .. .	8,000		
	<hr/>	81,000	
Total amount of duties .. .. .			181,000

*Under Tariff voted by Congress.*

Import duties .. .. .	60,000		
Additional duties:			
Mejoras materiales .. .. .	18,000		
Internation .. .. .	9,000		
Contra-registro .. .. .	18,000		
2½ per cent. of Ministry of Fomento	1,500		
	<hr/>	46,500	
Total amount of duties .. .. .			106,500
Showing a reduction of .. .. .			<hr/> 74,500
Equal to 41½ per cent. on the whole duties.			

HORACE JOHNSON.

*(Inclosure 3.)—Convention between Her Britannic Majesty and the Republic of Mexico for the Settlement of various Questions now pending between the two Governments.\*—Signed at Mexico, November 21, 1861.*

DESIROUS of putting an end to the present suspension of diplomatic relations between the British Legation and the Government of Mexico by an arrangement removing the cause of such suspension, and at the same time settling certain other questions in which the Government of Her Majesty and that of the Republic are mutually interested, they have resolved to conclude a Treaty for that purpose, and have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Charles Lennox Wyke, Knight Commander of the

\* Rejected by Mexican Congress.

Most Honourable Order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the Republic of Mexico ;

And his Excellency the President of the Republic of Mexico, Señor Don Manuel Maria de Zamacona, Minister for Foreign Affairs, &c. ;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles :

ART. I. The sum still remaining due to British subjects of the moneys abstracted from the *conducta* at the Laguna Seca, as well as the 660,000 dollars forcibly taken from the British Legation in the month of November last, shall be repaid to the lawful owners thereof by an assignment made for that purpose by the Mexican Government corresponding to 10 per cent. of the import duties, to be taken from that portion of the additional duties commonly known under the denomination of "*mejoras materiales*."

II. The rate of interest due from the time when the money was taken to be paid on both these sums from the same fund shall be as follows: namely, 6 per cent. per annum on the 660,000 dollars, and 12 per cent. per annum on the remainder of the money due to British subjects from the moneys abstracted from the *conducta* at the Laguna Seca.

III. All Treaties, Conventions, and agreements heretofore concluded between the two High Contracting Parties shall remain binding in their totality on both parties in all affecting British and Mexican interests; and the Supreme Decrees of the 14th of October, 1850,\* and the 23rd of January, 1857,† do likewise remain in full force and vigour in all that concerns the London bondholders.

IV. Such sums of money owing to the London bondholders and Convention bondholders as were in the hands of the Custom-House authorities at the time all payments were suspended by the law of the 17th of July last,‡ shall be paid to the owners thereof, together with 6 per cent. interest thereon, out of the same fund that is set apart for the Legation and Laguna Seca claims, when those shall have been liquidated.

V. Nothing contained in this Convention shall in any way interfere with the stipulations of other agreements or Conventions by which the goods imported in French vessels are exempt from contributing to British assignments until the French Convention shall have been wholly paid off, as well as the arrears due on other claims, as arranged with Admiral Penaud, have also been liquidated, when the quota belonging to the British Convention bondholders shall be augmented, as agreed on, by two per cent. additional.

VI. The British Consular Agents and agents of bondholders at

\* Vol. L. Page 1123.

† Vol. L. Page 1124.

‡ Page 294.

the different ports of the Republic shall be entitled to exact the production of all Custom-House books and papers as may have reference to their clients' interests, and to call for ships' manifests, bills of lading, and all other documents which for the above-named purpose they may consider it necessary to examine.

Every month a statement of the duties incurred, and of the liquidation of the assignments due to the London bondholders and the Convention bondholders at each of the Custom-Houses, shall be delivered to the British Consul resident at the port, and in those places where there is no British Consul, such statements shall be given to the agents of the respective funds, provided there be any such on the spot.

VII. In order to ensure with every certainty the fulfilment of the conditions contained in the preceding Articles, the assignments made over to the British creditors shall henceforth be represented by certificates to be issued by the Ministry of Finance, according to the regulations which shall be framed by said Ministry, and no importer will be permitted in future to pay the duties on his cargo without at the same time paying said assignments, which shall not be paid in cash or in any other form except in the said certificates, under the penalty of a second payment of double the amount, one half in certificates, and the other in cash, which latter half shall be given to the informer of the fraud.

The Minister of Finance shall deliver a sufficient quantity of said certificates to the representatives of both classes of bondholders in Mexico, who shall be required to keep enough of them on hand, both in this city and the ports, to enable the importers to obtain them with the facility required.

For greater security these certificates must be signed by the representatives of the aforesaid bondholders, as well as by the aforesaid agents, and after liquidation they shall be remitted by the collectors of the maritime and frontier Custom-Houses directly to the Minister of Finance, for the purpose of enabling the Government to take due note thereof in forming the account current of the respective debts.

VIII. The assignment of 10 per cent. of the duties alluded to in Article I for the purposes above specified shall commence from the date of the signature of this Convention; and the assignments belonging to the London bondholders and to the Convention bondholders, secured to them by Article III, shall begin from the first day of January, 1862.

IX. It is understood that the Mexican Government shall be free from the responsibility of a debtor to a creditor in so far as concerns any such sums as shall have been paid by them at the end of each month to the agents of the respective bondholders, when

a liquidation of the sums so paid and received is duly made out and signed by the authorities of the Custom-Houses and the agents at the ports.

X. In settling with the other foreign creditors of the Republic the difficulties to which the law of the 17th of July last has given rise, no advantage shall be accorded to them, with regard to the time at which the payment of the assignments shall be renewed, nor as regards the control that they may have in the Custom-Houses, which shall not by the same act be conceded to the British creditors.

XI. The present Convention shall be ratified by Her Britannic Majesty and by the Congress of the Mexican Republic, and the ratifications shall be exchanged at London as soon as possible within the space of 6 months.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Mexico this 21st day of November, in the year of our Lord, 1861.

(L.S.) C. LENNOX WYKE.

(L.S.) MANUEL MA. DE ZAMACONA.

*(Inclosure 4.)—Sir C. Wyke to Señor Zamacona.*

SIR,

*Mexico, November 20, 1861.*

THE result of the various conferences I have had with your Excellency appears to be that no real difficulty now exists to prevent our coming to a perfect understanding on the subject which gave rise to those conferences, in a manner alike satisfactory to the Governments we have the honour respectively to represent.

In order to attain so desirable an end, and to remove the evils caused by the law of the 17th of July last, as well also as to prevent any future disagreement arising from the consequences thereof, it becomes necessary now to put in writing what we have already verbally agreed on, and to settle by a formal instrument the due execution of the following conditions:

1. Delivery by your Government of the money robbed from the British Legation in the month of November last, amounting to the sum of 660,000 dollars, as well also of what was abstracted from the Laguna Seca conducta, which originally amounted to 400,000 dollars, but part of which has since been restored to its rightful owners.

2. That all arrears due to the bondholders arising from the suspension of payments of Custom-House duties formally consigned to them by the Dunlop and Aldham compacts, as well as the British Convention, shall be refunded, of course including the payments already deposited in the hands of the Custom-House au-

thorities at the time of such suspension of payments, but which had not yet been made over to the agents of said bondholders.

3. The payment of interest on all sums above specified, from the date of their abstraction or detention, as compensation to the owners thereof for the loss and inconvenience to which they have been subjected by these arbitrary proceedings.

4. That the British Consular Agents at the ports shall be authorized by the Government to examine the books and render an account of the receipts of the several Custom-Houses there, such agents receiving directly the assignments for the bondholders from the importers, in a manner hereafter to be agreed on between us.

As I believe we are entirely of the same opinion with reference to the advantages to be obtained by a reduction of the tariff, I trust that your Government, with this object in view, will adopt some measure of reform in this branch of your administration, so comprehensive in its nature as entirely to remove the evils caused by the present high rate of duties, which are as prejudicial to foreign commerce as they are to the best interests of the Republic.

By a frank acceptance of these conditions no obstacle will then remain to prevent a renewal of official intercourse between your Government and this Legation, which, without such an arrangement, will be finally broken off, and thus lead to consequences fatal to the friendly relations which it is so desirable to maintain between the two countries.

Awaiting your reply, I have, &c  
*Señor Zamacona.*

C. LENNOX WYKE.

:(*Inclosure 5.*)—*Señor Zamacona to Sir C. Wyke.*

(Translation.)

*Government House, November 21, 1861.*

THE Undersigned, Minister for Foreign Affairs, has had the honour to receive the note, dated yesterday, which his Excellency the English Minister, Sir Charles Lennox Wyke, was pleased to write him.

The Undersigned after his repeated conferences with his Excellency Her Britannic Majesty's Minister is as much convinced as his Excellency that there does not really exist any difficulty for the re-establishment of the ordinary relations between Mexico and Great Britain. He is entirely of the opinion of Sir Charles Wyke as to the great interests that the two countries have in maintaining and drawing still closer their relations; and the sincere desire to re-establish them has doubtless given rise to the conciliatory spirit that has reciprocally prevailed in the conferences held for that purpose, and which has so much contributed to

The question pending since a year, relative to the abstraction made in November last by the usurpers of the public power of a sum belonging to the holders of Mexican bonds in London, and deposited in the Calle de Capuchinas, gives this Government an opportunity of showing its conciliatory and willing spirit, and its desire to terminate all the difficulties pending with Great Britain. Notwithstanding that the Government of the Republic has protested against the responsibility that might be laid to its charge on account of that odious attempt, it has also protested its desire to prevent as far as possible the losses that the holders of bonds have thereby suffered, and therefore agrees to facilitate to them the reimbursement of the sum robbed, if the said holders of bonds cede to the Republic their action for indemnity from the produce of the property of the perpetrators of the crime that has been or may be sequestered. This concession, with which the Government of Mexico responds to those which his Excellency Her Britannic Majesty's Minister has made in the arrangement of this affair, removes one of the principal difficulties pending between the two nations. This Government does not then make any objection to the acceptance of the conditions contained in the note of his Excellency Sir Charles Wyke, bearing yesterday's date.

As regards the tariff at present in force in the Republic, the Undersigned believes that, in fact, a reform in this matter in a liberal sense will be equally beneficial to the nation as to the foreign commerce; and as this Government is authorized by Congress to make it, it is at present occupied with carrying out this work. By means of it will be removed the ills which, as indicated by Her Britannic Majesty's Minister, are caused by the amount of the duties at present levied on goods imported; and his Excellency will perceive it, by simply knowing that the Government, following the rules that the Congress has laid down for it, and the principles of liberal political economy, will carry out the following bases in the new tariff that will be published in a few days:

That the reduction on the import duties is to consist in 40 per cent. on the present amounts;

That when the reform, which is to be put into operation 4 months after its publication, has been once made, no change shall be able to be made in the import, export or additional duties, without informing the commercial body 6 months beforehand;

And that in the new tariff shall not be included the Article that figured in the project lately presented by the Committee of Finance of the Congress, which authorized the States of the coast to place duties on the export of their own products.

The Undersigned indulges in the same belief as that entertained by his Excellency Her Britannic Majesty's Minister, that after the



declarations contained in this note, and after the points to which it refers have been consigned in a formal Act, for which this Government is ready, there will not be any obstacle to prevent the renewal of relations between it and that Legation, and drawing still closer those bonds of sympathy and common interest which unite the two nations.

The Undersigned, &c.

Sir C. Wyke.

MANUEL MA. DE ZAMACONA.

No. 109.—*Sir C. Wyke to Earl Russell.*—(*Rec. January 1, 1862.*)  
(Extract.) *Mexico, November 28, 1861.*

IN my despatch of the 25th instant I had the honour of laying before your Lordship, in detail, the business which had occupied my attention since the departure of the last European mail.

My labours, as your Lordship will have seen, terminated in my having obtained a considerable reduction in the existing tariff, and in having signed such a Convention as promised to place our relations with the Mexican Government on a somewhat better footing than they have been for some time past.

It is to be sincerely regretted that Congress was so carried away by party feeling as not to perceive the error they were committing in throwing out a Convention which, both in form and substance, avoided, as far as possible, any attack upon the honour and *amour propre* of the nation, and yet held out to Mexico the means of coming to an equally satisfactory settlement of the difficulties with France and Spain whenever these two Powers demanded redress at their very doors.

Congress, as if frightened at what it had done, passed a resolution on the 23rd instant abolishing the law of the 17th of July, and stating that the Convention assignments should be again paid, as heretofore, to both classes of bondholders, as well also as those sums due to them at the time the suspension of payments was decreed.

As this would, of course, not satisfy me, I had no choice left but to present at once to Government an ultimatum, and demand my passports in case it was refused.

On the presentation of my ultimatum Señor de Zamacona resigned, the Minister of War having done so the day before; and there is now a probability of the other members of the Cabinet doing so likewise, unless Congress retraces its steps, for the Government have sent back the Convention to be reconsidered by them as a last resource.

To-day I had a visit from Señor Lerdo de Tejada, the leader of the Opposition in Congress, who called to ask me whether I would consent to any modification in the Convention; as, if I would agree to modify the Articles concerning the repayment of the Legation and conducta robberies, and the powers given to enable our Consul

to act as interventors, he would engage to pass it through Congress, and then accept the vacant post of Minister for Foreign Affairs, which under such circumstances he thought the President would confer upon him.

My answer was a simple one, and to the effect that having already made every concession possible in my negotiations with Señor de Zamacona, I could make no others. On receiving this answer Señor Lerdo de Tejada retired, and with him disappeared every hope of the Convention's ratification.

I have only now again to express to your Lordship my high sense of Mr. Corwin's conduct through the whole business; he has stood by me in the most honourable manner, and, on learning the rejection of my Convention by Congress, refused in the most positive manner to advance the Government one dollar of the proposed American loan. Nor can I pass over in silence the services of Señor de Zamacona, the Minister for Foreign Affairs; he at all events has been sincere in trying to second my late endeavours, and his resignation of office proves that there is an exception to every rule, even as regards Mexico and the Mexicans.

I shall start for Vera Cruz with the members of my mission as soon as I can conveniently do so, leaving Mr. Consul Glennie in charge of the archives, and with him that most excellent public servant, Don Rafael Beraza, so that the merchants here shall not suffer by my absence in the courier arrangements. Havana will probably be the place where I shall await your Lordship's instructions, but wherever I may settle to go I will not fail to remember the instructions contained in your Lordship's despatch of September 28, in reference to the Admiral on the station.

*Karl Russell.*

C. LENNOX WYKE.

P.S.—Since writing the above I have received the inclosed letter from the Mexican Foreign Office, by which your Lordship will see that I am requested to wait for the answer of my ultimatum until the new Minister for Foreign Affairs is appointed.

*(Inclosure 1.)—Propositions voted by Congress abrogating the Law of July 17, 1861.*

LA DEROGATION DE LA LOI DU 17 JUILLET.—Voici le texte de la proposition présentée et adoptée, le 23 du courant, par le Congrès qui l'a dispensée des formalités du règlement; elle a pour auteurs MM. les Députés Sebastian Lerdo de Tejada, Manuel Ruiz, Mariano Riva Palacio, Montes, Dublan, Linares, Piño y Ramirez, Baz, Suarez Navarro et Chico Sein.

ART. I. Sont dérogées les dispositions de la Loi du 17 Juillet de

la présente année qui se réfèrent aux Conventions Diplomatiques et à la dette contractée à Londres.

II. Le Gouvernement mettra immédiatement en voie de paiement les assignations respectives, conformément aux dispositions et aux réglemens antérieurs à la dite Loi.

III. Le Gouvernement remettra immédiatement au Congrès une notice des sommes qui existaient au moment de l'expédition de la Loi et de celles qu'il aura reçues depuis, appartenant aux dites assignations, en initiant les lois qu'il jugera nécessaires pour rembourser les dites sommes aux créanciers des Conventions et de la dette contractée à Londres, et pour procurer au trésor les fonds dont il manqué pour cet objet.

*Economique.*—Une Commission du Congrès déclarera au Président de la République la convenance que le Gouvernement, en publiant la présente Loi, expose et explique officiellement les raisons de justice qu'il a eues pour rendre celle du 17 Juillet, et les motifs pour lesquels elle est dérogée, en ce qui touche aux Conventions et à la dette contractée à Londres.

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(*Inclosure 2.*)—*Sir O. Wyke to Señor Zamacona.*

SIR,

*Mexico, November 24, 1861.*

THE rejection of the Convention of the 21st instant by Congress on the night of Friday last has, I regret to say, put a term to those measures of conciliation by which, after 6 weeks' incessant labour and sacrifices, we had sought to remove the serious differences between the two countries.

Under these circumstances I have but one course left open to me, and that is, without delay to present to your Excellency the ultimatum of Her Majesty's Government, requiring the acceptance of the following conditions, viz. :

1. Immediate abrogation of the Law of the 17th of July last.

2. That in the ports of the Republic, Commissioners, to be named by Her Majesty's Government, shall be placed for the purpose of appropriating to the Powers having Conventions with Mexico the assignments which those Conventions prescribe shall be paid out of the receipts of the maritime Custom-Houses, including in the sums to be paid to the British Government the amount of the conducta robbery and the money stolen from the British Legation in the month of November last.

3. That the Commissioners shall have the power of reducing by one-half, or in any less proportion that they think fit, the duties now levied under the existing tariff.

If these terms are not complied with, I shall find myself under the necessity of quitting the Republic with all the members of my

Mission, leaving the Government of Mexico responsible for the consequences that will ensue. I have, &c.

*Señor Zamacona.*

C. LENNOX WYKE.

(*Inclosure 3.*)—*Señor Arias to Sir C. Wyke.*

(*Translation.*) *Government House, Mexico, November 28, 1861.*

THE Undersigned, charged temporarily with the Ministry of Foreign Affairs, has the honour to answer the note which his Excellency Sir Charles Lennox Wyke, &c., has been pleased to address to the said Ministry, under date of the 24th instant, in which he communicates the conditions the acceptance of which is demanded by Her Britannic Majesty's Government, in order to terminate the suspension of diplomatic relations, to which the Law of the 17th of July last gave rise.

The Undersigned must first of all make his excuses to his Excellency Sir Charles Wyke for the delay which he will perceive in this answer, but which will, however, have already been explained, if he knows that the Minister charged with this department withdrew from it, having previously resigned, almost at the very moment that the said note of the Legation was received, and if he knows also that the Supreme Government is making every effort with the Congress, in order to settle the difficulties which unfortunately have arisen between Great Britain and the Republic of Mexico.

The Chief Magistrate of the Republic is most anxious that this should take place, and his Excellency Sir Charles Wyke will not doubt it if he remembers the recent proofs which the Mexican Government has given of its desire for a peaceful and reasonable settlement of the difficulties pending with Great Britain.

In order to obtain this result the chief obstacle has been removed by the abrogation of the Law of July 17th; and in consideration of this, and that there will soon be a new Minister to take charge of the present negotiation, the Undersigned confidently hopes from Sir Charles Wyke's honest intentions and benevolent sentiments, that he will be good enough to wait only until the new Minister to be named may give the due answer to the aforesaid note of his Excellency, and to suspend for the moment any resolution which may alter the position which the question now has.

The Undersigned, &c.

*Sir C. Wyke.*

JUAN A. D. ARIAS.

*No. 111.—Lord Lyons to Earl Russell.—(Rec. January 7, 1862.)*

MR LORD,

*Washington, December 21, 1861.*

IN my despatch of the 10th September last, I informed your Lordship that instructions had been sent to Mr. Corwin, The United States' Minister in Mexico, to conclude a Convention with

the Mexican Government, in virtue of which The United States should assume the obligation to pay the interest on the foreign debt of that country.

Mr. Seward told me this morning that Mr. Corwin had not concluded the proposed Convention, but had sent, in lieu of it, a draft of a Convention, providing for The United States advancing to Mexico a very large sum to enable her to discharge her obligations to foreign creditors. Mr. Seward said that if Mr. Corwin had sent a Convention in the terms of his draft, already signed, the President would, no doubt, have recommended it to the Senate for ratification. Since, however, a draft only had been sent, it had been determined, in conformity with a plan occasionally adopted in important cases, to ask the Senate beforehand whether it advised the President to conclude a Treaty on the terms proposed.

Mr. Seward proceeded to say that Mr. Corwin would, in all probability, have signed the Treaty at once, had he not been displeased by the rejection by the Mexican Congress of a "very proper" Treaty negotiated by Sir Charles Wyke. Mr. Corwin had, Mr. Seward said, given Sir Charles Wyke all the support in his power, and had declined to conclude his own Treaty when he found that the Treaty made by Sir Charles had been rejected.

I told Mr. Seward that I had received a private letter from Sir Charles Wyke, speaking in the highest terms of Mr. Corwin.

Mr. Seward observed that, as the draft of the Treaty was before the Senate in secret session, it would not be right for him to acquaint me with the exact sum to be advanced by The United States, or with other details.

I have reason to suppose that Mr. Corwin was instructed not to engage for the payment of money by The United States unless the Mexican Government should previously come to such an arrangement with Great Britain as should render it pretty certain that the money would not be paid in vain ; that it would not fail to prevent the combined expedition, or at all events to prevent Great Britain taking part in it.

Some of the details of Mr. Corwin's draft have transpired, or at any rate very confident assertions are made concerning them. It is stated that the sum to be advanced is in all 9,000,000 dollars ; 500,000 dollars to be paid at the expiration of 30 days from the ratification of the Treaty, and a like sum at the expiration of each successive period of 30 days, until 5,000,000 have been advanced ; the remaining 4,000,000 to be advanced in half-yearly payments of 2,000,000 ; the first to be made 6 months after the payment of the last sum of 500,000.

As security, the American Government is to have a mortgage on all the public lands, minerals, &c., of Lower California, Chi-

huabua, and two other provinces bordering on The United States. A commission composed of three Mexicans and two Americans is to assume the administration of the land, &c., thus mortgaged.

It is understood, however, that Mr. Corwin will still be instructed to abstain from signing the Treaty, unless there be a reasonable prospect of its attaining the object The United States' Government have in view; that of removing the combined fleets to a distance from the Gulf of Mexico and the coasts of this country.

I have, &c.

Earl Russell.

LYONS.

No. 112.—*M. Isturiz to Earl Russell.*—(Received January 14.)  
(Translation.)

MY LORD, *Spanish Legation, London, January 13, 1862.*

THE Government of the Queen my august Sovereign communicated to me on the 7th instant the instructions which the Captain-General of Cuba, so soon as he received, on the 13th December, the orders necessary for carrying out the Convention, signed in London the 31st October last, hastened to transmit to the heads of the army and squadron of the expedition which he had sent to Mexico, in furtherance of preceding orders, and in entire ignorance of the details and arrangements made in consequence of that Convention.

I have now the honour to forward to your Excellency a copy of those instructions, the tenor of which is doubtless most suitable to secure, in accordance with what was stipulated on the 31st October, the joint action of the 3 Powers in the Republic of Mexico.

I have, &c.

Earl Russell.

XAVIER E. ISTURIZ.

(Inclosure.)—*Instructions by the Captain-General of Cuba, on December 13, 1861, to the Heads of the Spanish Expedition to Mexico.*  
(Translation.)

1. If, at the receipt of this despatch, no military operations shall have been undertaken, all aggression must be suspended, the troops remaining on board ship if there shall be no inconvenience or danger therein; but, if in fact there should be any, you will land and form an entrenched camp, where the division will remain on the defensive, without proceeding to an attack of any sort, and under protection of the squadron.

2. If, as it is asserted by all the information hitherto received, the place of Vera Cruz and the Castle San Juan de Uiloa have been abandoned by the Mexicans, and both points are in the occupation of the troops, you will maintain them, repulsing any attacks that may be made against them, but without ever taking the initiative of any military operation.

3. In these two supposed cases you will await the arrival of the new General Minister Plenipotentiary, to whom, I presume, all the instructions necessary for the ulterior conduct of the expedition will have been communicated by the Government. The arrival of Señor Prim will probably coincide with that of the French and English Admirals, and in such case you will have to attend only to the concurrent resolves of the 3 Powers.

4. If the place and the castle shall be in a defensive attitude, and the attack shall have been commenced, you shall proceed according to the new orders of Her Majesty, if the honour of our arms allow it, and if not, you will complete what may be requisite for the glory of the Spanish name.

5. If the blockade shall be established on the receipt of this communication, you will declare the effects thereof to be in suspense until the arrival of the allies. Nevertheless, you will not give up possession of the Custom-House, if you shall be in possession of it; but you will immediately place it at the disposal of the Plenipotentiaries, so soon as they shall have met.

As you will have understood, the 5 preceding Articles may be summed up in one general idea, of maintaining a perfect *statu quo* until the arrival of the Representatives of the Allied Powers. It is left to your discretion, according to the state of things which I cannot be acquainted with from this place, to harmonize what is done with what remains to be done, avoiding conflicts and complications with the Powers who have signed the Agreement.

God preserve, &c.

FRANCISCO SERRANO.

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*No. 118.—Earl Russell to Sir J. Crampton.*

SIR,

*Foreign Office, January 19, 1862.*

ALTHOUGH Her Majesty's Government are satisfied, from the explanations given by M. Isturiz, that the Government of Her Catholic Majesty has given instructions to Her Catholic Majesty's Commanders at Havana in conformity with the agreements entered into with Her Majesty and His Majesty the Emperor of the French, yet the proceedings of Marshal Serrano are calculated to produce some uneasiness.

The departure of the Spanish expedition from Havana, and the military occupation of Vera Cruz, to say nothing of the tone of the Proclamation issued by the Spanish Government, demonstrate that a combined expedition, at a great distance from Europe, is subject to the discretion at all times, to the rashness sometimes, of the separate Commanders and Diplomatic Agents.

I wish you to read to Marshal O'Donnell and M. Calderon Collantes the preamble and the Article of our Convention which



define what our intervention is intended to do, and what it is not intended to do.

You will point out that the allied forces are not to be used for the purpose of depriving the Mexicans of their undoubted right of choosing their own form of government.

Should the Mexicans choose to constitute a new Government which can restore order and preserve amicable relations with foreign nations, Her Majesty's Government will be delighted to hail the formation, and to support the consolidation, of such a Government. If, on the contrary, the troops of foreign Powers are to be used to set up a Government repugnant to the sentiments of Mexico, and to support it by military force, Her Majesty's Government could expect no other result from such an attempt than discord and disappointment. In such a case the allied Governments would only have to choose between withdrawing from such an enterprise with some shame, or extending their interference beyond the limits, scope, and intention of the Triple Convention.

You will explain to Marshal O'Donnell that this apprehension on our part does not arise from any suspicion of the good faith of the Government of Her Catholic Majesty; but Commanders acting at a distance require to be very closely watched, lest they should commit their principals to unwarrantable proceedings.

You will read this despatch to M. Calderon Collantes.

I am, &c.

*Sir J. Crompton.*

RUSSELL.

*No. 120.—Earl Russell to Sir C. Wyke.*

SIR,

*Foreign Office, January 27, 1862.*

I HAVE received and laid before the Queen your despatches from the 18th to the 28th November.

Since I last wrote to you, the Emperor of the French has decided to send 8,000 more troops to Vera Cruz.

It is supposed that these troops will march at once with the French, and a part of the Spanish troops already there, to the city of Mexico.

It is said that the Archduke Ferdinand Maximilian will be invited by a large body of Mexicans to place himself on the Throne of Mexico, and that the Mexican people will gladly hail such a change.

I have little to add to my former instructions on this head. If the Mexican people, by a spontaneous movement, place the Austrian Archduke on the Throne of Mexico, there is nothing in the Convention to prevent it.

On the other hand, we could be no parties to a forcible inter-

vention for this purpose. The Mexicans must consult their own interests.

I have to add to my former instructions respecting the Admirals in the Atlantic and Pacific, that you will make no objection to the withdrawal of the Marines from Vera Cruz when the unhealthy season shall arrive.

You will also not object to any measures which may be concerted between the Senior British Naval Officer at Vera Cruz and Admiral Maitland for the occupation or blockade of any or all the Mexican ports on the Pacific which it may be thought necessary, for the purposes of the Convention, to occupy or to blockade. Acapulco, San Blas, Mazatlan, and the ports chiefly alluded to in this instruction.

I am, &c.

*Sir C. Wyke.*

RUSSELL.

*No. 121.—Sir C. Wyke to Earl Russell.—(Rec. January 29, 1862.)*

MY LORD,

*Mexico, December 14, 1862.*

I HAVE the honour to acknowledge receipt of your Lordship's despatch of the 1st of November last, instructing me to proceed to Jamaica, with all the members of Her Majesty's Mission here, as soon as Admiral Sir Alexander Milne could send a vessel of war to Vera Cruz for that purpose.

Having just heard of the arrival of Her Majesty's ship *Ariadne* at that port, I yesterday wrote to Señor Doblado, the newly-appointed Minister for Foreign Affairs, requesting to be furnished with my passports, to enable me to leave the territory of the Republic.

I have the honour to inclose copy of my letter to his Excellency, together with his reply thereto.

I quit Mexico for Vera Cruz the day after to-morrow, leaving Mr. Consul Glennie in charge of the archives of the Legation, and in the event of hostilities taking place between Her Majesty's forces and those of the Republic, I have requested M. Kint de Roodenbeeck, the Belgian Chargé d'Affaires, to take British subjects and their interests here under his protection.

I herewith inclose copy of the communication which I addressed to him with reference to this matter, together with his reply thereto.

I shall wait at Vera Cruz for the English mail, which ought to arrive there on the 27th instant, and immediately after its arrival shall proceed on to Jamaica to join the Admiral, who expects to be there in the first week in January.

I have, &c.

*Earl Russell.*

C. LENNOX WYKE.

(Inclosure 1.)—*Sir C. Wyke to Señor Doblado.*

SIR,

*Mexico, December 13, 1861.*

THE ultimatum of Her Majesty's Government, which I presented to that of the Republic on the 24th ultimo, having remained up to the present moment unanswered, no other course is now open to me than to demand my passports, so as to enable me and the other members of Her Majesty's mission to leave Mexico.

Mr. Glennie, the English Consul here, will remain in charge of the archives of the Legation, as well also as of British subjects and their interests in the Republic. Should, however, hostilities hereafter unfortunately ensue between the forces of our respective Governments, it will then become necessary to place my countrymen and their property here under the protection of a neutral flag, for which purpose I have requested M. Kint de Roodenbeeck, the Belgian Chargé d'Affaires, to take charge of them, which from the intimate relations of friendship existing between the Governments of Belgium and Great Britain, he has most willingly consented to do.

This I consider necessary more as a matter of form than for any other reason, so convinced am I that under such circumstances the Government of Mexico will consider it as a point of honour to afford every protection and guarantee to British subjects whose interests may oblige them to remain as residents within the territory of the Republic.

In order to avoid great inconvenience both to the Mexican Government as well as to the whole commercial body, I shall leave Don Rafael Beraza here to direct, as heretofore, the courier service of this Legation, which I am sure will continue to receive every protection and assistance from your Government.

My intention is to leave this city for Vera Cruz on Monday next, and I should feel obliged if your Excellency would give the necessary instructions in the proper quarter to furnish me with proper escort for our due protection on the road.

I have, &c.

*Señor Doblado.*

C. LENNOX WYKE.

(Inclosure 2.)—*Señor Doblado to Sir C. Wyke.*

(Translation.) *Government House, Mexico, December 14, 1861*

THE Undersigned, Minister for Foreign Affairs, has had the honour to receive the note of his Excellency Sir Charles Wyke, &c., dated the 13th instant, in which he is pleased to state, that as his ultimatum of the 24th ultimo has not been answered, the Legation will be under the necessity of leaving Mexico; adding that Mr. Glennie, British Consul, remained charged with the protection of the British subjects, and that in the unfortunate event of a rupture,

this Commission was entrusted to the Belgian Chargé d'Affairs, but rather as a form than for any other motive, since his Excellency rests assured that Mexico will, as a point of honour, give every sort of guarantee to British subjects, and concludes by announcing that Don Rafael Beraza will remain in this capital in order to superintend the couriers of the Legation, which Legation intending to leave next Monday, he requests that the necessary escort should be furnished him in order to protect him on his journey.

Complying with the request of his Excellency, the Undersigned has the honour to annex herewith the necessary passport, at the same time that he hastens to transmit to him a copy of the circular issued on the 5th instant by the Supreme Government of the Republic, in which the desires of that Legation are anticipated, assuring, as it does, guarantees to all the foreigners residing in the country, even in the unfortunate event of a rupture.

The orders are given for the placing of the escorts that have to protect the person of his Excellency, Sir Charles Wyke, up to Vera Cruz, and the Postmaster-General has agreed that Don Rafael Beraza should remain charged with the transmission of the correspondence of the Legation.

The Citizen President being authorized in every possible way by the Supreme Congress to make Treaties with friendly nations without the necessity of obtaining the approval of that body, he has still the hope of renewing the negotiations with his Excellency the British Minister, that were interrupted, always on the understanding, as is indispensable, that that Legation should be sufficiently authorized by the Government of Her Britannic Majesty, for Mexico is disposed to do whatever may be compatible with justice and the national dignity.

The Undersigned, &c.

Sir C. Wyke. .

MANUEL DOBLADO.

*(Inclosure 3.)—Circular addressed to Governors of States.*

*Ministère des Relations, Mexico, le 5 Décembre, 1861.*

LA situation délicate où en est venue la République avec les Puissances étrangères met la nation et le Gouvernement dans le devoir impérieux de veiller plus que jamais à ce que les garanties concédées aux étrangers par les lois du pays et le droit des gens soient respectées d'une manière inviolable.

La justice du Mexique dans ses différends avec quelques unes de ces Puissances offre une probabilité que les conflits seront écartés, lorsqu'on examinera de plus près les motifs puissants qui sont venus s'interposer accidentellement comme une difficulté dans le développement des relations cordiales que le Mexique a désiré, même au prix de grands sacrifices, cultiver et resserrer avec les nations amies.

Une preuve de ces désirs est la franche et généreuse hospitalité avec laquelle le pays a reçu dans son sein les enfants de ces nations, en leur concédant les plus grandes franchises dans l'exercice du commerce, de l'agriculture, de l'industrie et des arts. Si quelquefois des événements qui ont porté préjudice, non seulement aux étrangers, mais encore aux nationaux dans une mesure beaucoup plus grande, le Mexique n'a jamais cessé néanmoins de manifester son amour pour la justice et la civilisation, ni de faire tout ce qu'exigent ces dernières, dans l'intérêt de son nom et de son décorum.

Cependant, des difficultés inattendues obligent aujourd'hui la nation à donner de nouvelles preuves et de plus grands témoignages de loyauté et d'honneur aux Puissances étrangères, et à démentir, par des actes d'humanité et d'illustration, la note de semi-barbares qu'on déverse sur elle, grâce aux manœuvres exécrables et aux informations mensongères de spéculateurs sans conscience et de quelques enfants dénaturés du Mexique qui feraient sa honte, s'il n'était certain que les nations, comme les familles, ne peuvent être responsables devant la véritable civilisation de l'ingratitude et des vices personnels d'une minorité d'hommes qui, dans tous les pays et dans tous les temps, ont prétendu ternir l'éclat des sociétés les plus éclairées.

En considération de ce qui précède, le Citoyen Président a bien voulu décider que je vous recommande, comme j'ai l'honneur de le faire, de veiller, aujourd'hui plus que jamais, par tous les moyens que vous suggérera votre prudence, votre circonspection et votre patriotisme, à ce que les garanties concédées aux étrangers par les Traités et par le droit des gens deviennent efficaces, en écartant ainsi tout motif ou tout prétexte qui pût les engager à ne pas conserver la stricte neutralité à laquelle ils sont obligés dans les questions pendantes avec le Gouvernement respectif. Il appartient à votre jugement et à votre tact bien connus de diriger vers un but profitable l'exaltation du patriotisme, et d'empêcher que les excitations populaires dans les conflits de la nation ne débordent contre les étrangers laborieux et pacifiques, auxquels on doit entière protection, de même qu'on doit appliquer strictement la loi aux turbulents et aux séditeux.

Il est superflu de vous démontrer combien la situation actuelle serait aggravée par des désordres qui, dans les circonstances du moment, viendraient justifier dans une certaine mesure les inculpations que l'on fait au Mexique, et combien, au contraire, contribuerait au bon succès de sa défense l'attitude digne d'un peuple qui soutient, dans son indépendance et son décorum, son amour pour l'humanité et la civilisation.

En accomplissant l'ordre du Citoyen Président, il m'est agréable de vous reitérer, &c.

Dieu, liberté et réforme.

*Au Citoyen Gouverneur de l'Etat de*

JUAN DE D. ARIAS.

No. 122.—*Sir C. Wyke to Earl Russell.*—(Rec. January 29, 1862.)

(Extract.)

*Vera Cruz, December 29, 1861.*

I ARRIVED here on the evening of the 24th from Mexico, intending to leave this place in Her Majesty's ship *Ariadne* for Jamaica immediately after the arrival of the English mail, which I fully expected would have brought your Lordship's replies to my official correspondence of the 29th of October last. The steamer *Clyde* arrived at this port the day before yesterday, without, however, having brought any despatches for me, so that I conclude they have been sent to Jamaica under the Admiral's address. Yesterday morning Captain Von Donop, of Her Majesty's ship *Jason*, called to show me a letter from Commodore Dunlop, dated the 23rd instant, from the Havana, by which I learnt that it was not the Admiral's intention to proceed to Jamaica as announced; but that he was expected with the squadron at the Havana on the 26th instant *en route* for Vera Cruz.

Under these circumstances, had I proceeded even at once to that place in the *Ariadne*, I should probably have crossed without meeting him on the way.

This consideration induced me to remain where I was; and by way of avoiding any further uncertainty, I immediately dispatched Mr. Walsham in the *Ariadne*, with a letter for the Admiral, begging his Excellency at once to forward to me my despatches in case the present critical state of our relations with The United States should prevent his coming on here, as Captain Von Donop thought it not at all improbable that he would now return to the North.

As this place has been in possession of the Spaniards since the 17th instant, there could be no impropriety in my remaining here, as I am no longer residing in a town under the authority of the Mexican Government.

The English and French squadrons are expected here 3 or 4 days hence, but they may be detained for a week or 10 days more, in consequence of the heavy northerly gales which so frequently blow on this coast at the present season.

Until the Admiral's arrival, or Mr. Walsham's return, I of course remain ignorant of the nature of your Lordship's instructions, as well also of the stipulations of the Convention which I hear has been signed by the Plenipotentiaries of England, France, and Spain.

*Earl Russell.*

C. LENNOX WYKE.

No. 128.—*Sir C. Wyke to Earl Russell.*—(*Rec. January 29, 1862.*)  
(Extract.) *Vera Cruz, December 29, 1861.*

On my arrival here a few days ago, I found that Vera Cruz had formally been taken possession of, on the 17th instant, by a Spanish force under the command of General Gasset, composed of 6,500 men and 300 horses. They were brought here from the Havana in 26 transports and vessels of war, commanded by Admiral Rubalcava, who having summoned the place to surrender, both castle and town were delivered up to him without resistance. All the Mexican authorities, with many of the inhabitants, retired into the interior, and nothing has since occurred to disturb the peaceable occupation of the town, which the Spaniards hold in the name of the allies as well as their own, until the arrival of the English and French Admirals.

They have formed an Administration for the service of the Custom-House, Post Office, Town Council, &c. All duties levied are to be divided hereafter, according to the claims of each nation on the Government of the Republic.

On arriving here, the Governor of the town immediately sent me a guard of honour, which I dispensed with, and both himself and the General-in-chief offered their services to me in the kindest manner. The day following I called on them, and they, as well as the Admiral, then assured me that everything they had done was considered by them as a mere temporary measure employed until the arrival of the allies.

Their troops are a very fine body of men, and are kept under strict discipline, so that no complaints have been made against them by the inhabitants of the town.

The Mexicans are fortifying some very strong mountain-passes, where they mean to resist the march of the allies on the capital; but as long as the Spaniards keep within their lines here they do not intend to molest them, except by cutting off, as far as they can, all supplies of provisions from entering the town. As fresh meat was becoming scarce here a few days ago, General Gasset was about seizing on 3 of the neighbouring villages to obtain cattle, but I strongly advised him not to take such a step before the arrival of the French and English forces, as by so doing he would only bring on a collision with the Mexican forces outside the town, which it was most advisable to avoid, owing to the bitter feeling still existing in this country against the Spaniards. The General most readily yielded to my wishes, and although the troops were already out and under arms, he consented to change his projected expedition into a mere military promenade, to be made round the outer works of the town.

I at the same time wrote to General Uruga, commanding the



Mexican forces outside, strongly advising him to allow provisions to enter the town for the sake of his own countrymen shut up in it, and also to avoid any hostile movement until the arrival of the allied squadrons in this harbour. This suggestion was also well received, as the General replied that he would do all in his power to carry out my wishes.

I am most anxious to give time for the formation of a respectable Government, who will understand that it is for their interest to receive the intervention in a friendly and not a hostile spirit, so as to aid them to re-establish order, and take the opinion of those who alone are entitled to have a voice in the matter. Hitherto the men of property and intelligence have been completely silenced and domineered over by the rabble, who elected from their own class the members of a Congress which, besides being a disgrace to the country, rendered anything like good government impossible.

The nations are now thoroughly frightened at the formidable coalition formed against them, and will be more disposed to grant what we want before blood has been shed and their passions excited, than they will be when once engaged in a struggle with the Spaniards.

The rejection of my Convention by the Congress, as described in my last month's correspondence, had the effect of breaking up the late Cabinet, and the crisis which then ensued brought General Doblado forward, who would only consent to form a Government on the condition of having full powers conferred on him by Congress, authorizing him to settle pending questions with the 3 Powers as he deemed best. Having obtained these he adjourned the Assembly until April next, and now remains unfettered to make the best arrangement he can with us.

He is a man of such talent and influence in the country that the Reactionary Chiefs began to lay down their arms and give in their adhesion on his appointment becoming known, and he is now engaged in forming his Cabinet from the best men he could find, irrespective of their political opinions.

His first act was to entreat me not to leave Mexico, as he was, he said, now able to conclude an arrangement with me that would give England positive guarantees for the due fulfilment of their engagements towards us. As this overture was made to me after the arrival of last month's mail bringing English newspapers in which it was positively stated that a Convention was about being signed, binding the 3 Powers to a joint intervention in Mexico, I could not of course take advantage of an offer which, under other circumstances, I should have gladly availed myself of.

Everything depends on the manner in which matters are managed here at first. If the intervention is properly received it will prove

a blessing to the country; but, on the other hand, violent measures at first will spoil all, and engage us in an undertaking the difficulties of which can hardly be overrated.

Fortunately, the Spanish Commanders, both military and naval, appear to be men of great prudence and discretion, and up to the present moment they have shown a spirit of justice and conciliation which speaks highly in their favour.

In a long conversation I had with Admiral Rubalcava the day before yesterday, he expressed his opinion on this subject in terms nearly identical to those I have now used in giving my own.

I have the honour to inclose an extract from the "*Trait d'Union*," in which your Lordship will find the summons of the Spanish Admiral demanding the surrender of the town, as well as the President's Address to the nation on the present state of affairs.

Earl Russell.

O. LENNOX WYKE.

(*Inclosure.*)—*Extract from the "Trait d'Union" of December 19, 1861.*

LA SOMMATION DU CHEF DE L'ESCADRE ESPAGNOL.

*Commandance-Générale des Forces Navales de  
Sa Majesté Catholique dans les Antilles.*

*Vapeur Isabel la Catholica, et mouillage d'Anton Lizardo,*

M. LE GOUVERNEUR, (Traduction.) Le 14 Décembre, 1861.

LA longue série d'outrages infligés au Gouvernement de Sa Majesté Catholique par celui de la République Mexicaine, les violences réitérées, commises contre des sujets Espagnols et l'obstination aveugle avec laquelle le Gouvernement du Mexique s'est refusé constamment à écouter les justes réclamations de l'Espagne, toujours présentées avec la modération et le décorum propres à une nation aussi noble ("hidalgo"), ont mis mon Gouvernement dans le cas de rejeter tout espoir d'obtenir, par la voie de la conciliation, un règlement satisfaisant des graves différends existant entre les deux pays. Le Gouvernement de Sa Majesté Catholique, résolu, cependant, à obtenir réparation complète ("cumplida") pour tant d'outrages, m'a ordonné de commencer mes opérations en occupant la place de Vera Cruz et le château de San Juan de Ulúa, qui seront conservés, comme gage ("prenda pretoria") jusqu'à ce que le Gouvernement de Sa Majesté s'assure que, dans l'avenir, la nation Espagnole sera traitée avec la considération qui lui est due, et que les pactes qui seront célébrés entre les deux Gouvernements seront religieusement observés.

Vous me communiquerez, par l'intermédiaire de M. le Consul Français, chargé de représenter les intérêts commerciaux de l'Espagne, dans le délai de 24 heures, comptées du moment où vous

recevrez la présente sommation, si vous êtes ou non disposé à me livrer la place et le château ; dans l'intelligence que si la réponse est négative, ou si je n'ai reçu aucune réponse à l'expiration du délai, vous pouvez dès ce moment considérer les hostilités commencées, et l'armée Espagnole débarquera dans ce but.

Je ne dois pas vous cacher que s'il est vrai que je fais la présente sommation seulement au nom de l'Espagne, suivant les instructions que j'ai reçues, l'occupation de la place et du château servira également de garantie pour les droits et les réclamations qu'auront à faire valoir contre le Gouvernement Mexicain, les Gouvernements de la France et de la Grande Bretagne.

Il me reste à vous faire observer que la mission des forces Espagnoles ne se rattache en rien à la politique intérieure du pays ("en nada se roza con la política interior del país") : toutes les opinions seront respectées ; on ne commettra aucun acte censurable, et du moment où nos troupes occuperont Vera Cruz, les Chefs Espagnols répondront de la sécurité des personnes et des intérêts de ses habitants, quelle que soit leur nationalité. Il vous appartient ainsi qu'aux autres autorités de donner des garanties aux étrangers jusqu'à ce que la dite occupation se réalise, soit pacifiquement, soit de vive force. Si les sujets Espagnols et les autres étrangers étaient persécutés et maltraités, les forces qui composent cette expédition se verraient dans la dure mais impérieuse nécessité de recourir aux représailles.

J'entretiens l'espoir que, quelle que soit votre résolution, vous agirez avec la prudence qu'on doit attendre, et vous pénétrant que les forces Espagnoles, toujours humaines, toujours nobles et loyales, même avec leurs ennemis, ne feront pas le premier pas dans la voie des violences réprouvées même en cas de guerre, vous éviterez toute sorte de crimes dont le seul résultat serait de rendre plus difficile, sinon impossible, le règlement des questions internationales pendantes.

JOAQUIN GUTIERREZ DE RUBALCAVA.

*M. le Gouverneur de l'Etat de Vera Cruz, &c.*

*Le Gouvernement Suprême à M. le Gouverneur de l'Etat de Vera Cruz.*

*Ministère des Relations Extérieures et de Gobernacion.*

(Traduction.)

*Mexico, le 17 Décembre, 1861.*

LE Citoyen Président, à qui j'ai rendu compte de la communication officielle que vous a adressée le Commandant des Forces Navales Espagnoles, et de celle que vous avez envoyée à ce Chef en réponse, m'ordonne de vous dire de suivre ponctuellement les instructions qui vous ont été données par anticipation, pour les cas, aujourd'hui

isé, de la rupture ouverte des hostilités de la part des Espagnols, et de laisser, en matière militaire, l'action libre au Citoyen-Général Uruga, qui commande-en-chef l'armée Mexicaine, afin qu'il agisse également, dans sa sphère, conformément aux instructions détaillées qui lui ont été données.

Il serait peu convenable pour le Gouvernement de la République de s'adresser à un chef qui, passant par dessus les formes du droit des gens, commence par intimer la reddition d'une place. Le cri de guerre que la nation a lancé spontanément, marque au Gouvernement le chemin qu'il doit suivre, et ce ne sera pas le Citoyen-Président de la République qui reculera devant une invasion étrangère, avec d'autant plus de raison que, dans la circonstance, le Mexique ne fait que repousser la force par la force, en vertu de son droit naturel incontestable.

Je vous adresse également, par disposition suprême, un exemplaire du Décret et de la circulaire qui sont envoyés aujourd'hui, par extraordinaire, aux citoyens Gouverneurs des Etats, en vous recommandant de seconder, avec l'énergie et l'activité que commandent les circonstances, la pensée du Gouvernement; le Citoyen-Président ne doute pas qu'à l'aide de cette fidèle exécution, l'invasion qui menace de détruire notre liberté et notre indépendance sera repoussée.

Liberté et Réforme!

MANUEL DOBLADO.

*Citoyen Gouverneur de l'Etat de Vera Cruz.*

*Circulaire aux Gouverneurs d'Etats.*

*Ministère des Relations Extérieures et de Gobernacion.*

(Traduction.)

*Mexico, le 17 Décembre, 1861.*

PAR ordre du Citoyen-Président, j'ai l'honneur de vous remettre copie des communications officielles échangées entre le Commandant des forces Espagnoles à Vera Cruz et le Citoyen-Gouverneur de cet Etat ainsi que du Décret et Manifeste que le Magistrat Suprême de la République a cru devoir publier aujourd'hui, pour que les Etats se préparent à la défense de l'indépendance.

Après avoir épuisé les moyens d'un arrangement pacifique entre l'Espagne et le Mexique, le Gouvernement de la République, fort de la conscience de sa justice et ressentant l'impulsion de l'opinion populaire prononcée pour la guerre, accepte celle qu'ont commencée les forces Espagnoles d'une manière si inusitée, parceque son droit de repousser la force par la force est incontestable, et il proteste,

au monde civilisé, que la responsabilité des événements

est toute entière et uniquement sur le Gouverne-

ment de la Reine d'Espagne qui a fait siennes, d'une manière si inconsiderée, les injustes accusations sur lesquelles ont entendu spéculer les ennemis de la liberté du Mexique.

Malgré nos dissensions intestines, le sentiment pour l'indépendance et la haine contre les anciens dominateurs du pays se maintiennent vivants, bien que la seconde soit atténuée par l'effet des lumières et de la civilisation du siècle.

Le Citoyen Président, en arborant le drapeau de la nationalité Mexicaine, ne fait que suivre le torrent de l'opinion générale, et a le plaisir de voir groupés autour de lui, au jour du conflit national, la plupart des Mexicains qui restaient désunis pour cause d'opinions politiques, mais qui ont abandonné les partis intestins au premier appel de la patrie.

Bien que le Gouvernement ait tout droit d'expulser du territoire de la République les Espagnols qui y résident, il n'a pas voulu le faire quant à présent, car il a confiance en ce que ces derniers, répondant à la générosité avec laquelle on les traite, observeront la stricte neutralité que leur position leur conseille. Le Citoyen Président a donné ainsi un nouveau témoignage de la prudence avec laquelle il s'est conduit dans ses relations extérieures, en prouvant, par des faits irréfutables, qu'il n'a pas la faute si ces relations en sont venues au malheureux état dans lequel elles se trouvent actuellement.

Le Citoyen Président espère donc qu'en donnant une prompte et stricte exécution au Décret dont j'ai parlé dès le début, vous mettrez en marche, aussitôt que possible, le contingent de force armée qui vous est signalé, et que vous userez en outre de toutes les ressources que vous permet votre Gouvernement pour mettre l'Etat de votre digne commandement dans l'attitude imposante qui lui correspond, en excitant par tous les habitants du même Etat, afin qu'ils contribuent à la défense commune, et pour que, dans le cas malheureux où l'ennemi pénétrerait dans l'intérieur, tous les habitants du pays se lèvent en masse et opposent, avec leur épée et leur constance, une muraille invincible à l'audace de nos envahisseurs.

Que la mémoire d'Hidalgo, de Morelos et de Guerrero soit un exemple pour les Mexicains, et que la bannière qui flottera dans les rangs de notre armée, à l'heure du combat, ait pour inscription : "Vive l'Indépendance ! Vive la République !"

Liberté et Réforme.

*Citoyen Gouverneur de l'Etat de*

MANUEL DOBLADO.



*SPEECH of the President of Chile, on the Opening of the National Congress.—Santiago, June 1, 1860.*

(Translation.)

FELLOW-CITIZENS OF THE SENATE AND  
THE CHAMBER OF DEPUTIES,

THE internal peace which we enjoy after the violent crisis which agitated the Republic during the past year, and after the lamentable ardour with which the elements of anarchy and disorder were spread throughout the country, is a fresh and signal motive of gratitude to benignant Providence, whose benevolent protection is constantly extended to us.

Nothing has occurred to alter or disturb the good and friendly relations which we cultivate with foreign nations. If the events which all deplore had the effect of shaking for a time that credit which our prudence had obtained for us in foreign countries, the unfavourable impression passed away as soon as the complete triumph of our institutions gave an eloquent proof how deeply rooted constitutional order is in our soil.

For some time past I have considered the union of the South American States as of great importance for the common cause of their civilization and prosperity. Their combined efforts directed towards that end are the surest means of acquiring public consideration among the nations, and of bringing into action that influence which they ought to exercise on the destinies of the continent. If the attempts hitherto made to realize this idea have been in vain, it is not the less certain that such a union would satisfy the requirements of the American States. Convinced of this, I am ready to renew my efforts for it, but before doing so I shall submit to you the bases upon which according to my judgment we should act.

The difficulties to which I called your attention last year, which had arisen in carrying out the Articles of the Treaty with the Argentine Confederation, relative to the trade by the way of the Cordillera, have not as yet been entirely removed, but I trust that they will soon be overcome.

As you are aware, endeavours have been made on different occasions to arrange in a friendly manner the differences which exist between Chile and Bolivia relating to the line of frontier on the Desert of Atacama. The precedents that have come down to us from the time of Spanish rule, and the authorities of geographers and historians, which have been brought forward on both sides, although of much weight, always leave something undetermined, as they refer to uninhabited regions which were formerly but little known, and not regarded as offering any interest.

These considerations have induced the Government of Chile, at different times, to propose that the line of division should be

mutually arranged according to the principles of international law sanctioned in similar cases, as the means of obtaining a speedy solution and immediate results. I think that there are grounds to hope that this method will be adopted. The Bolivian Government has lately accredited a *Chargé d'Affaires*, who, as he states, is specially charged with the negotiation of a boundary Treaty. This would put an end to the anomalous position in which the interests of both Chile and Peru stand in that part of their territory, which cannot fail to give rise to disagreements between the Governments, and to prejudice the good feelings between the two countries.

I regret to say that the good offices with which Chile and other States endeavoured to bring about a pacific solution of the differences between Peru and the Equator have failed. Fresh exertions would not have been omitted on my part, had not the unfortunate death of the Chilean Minister in Peru, deprived the Government of an important functionary, and left it without a representative there, at a time when perhaps its voice would have been listened to in favour of that peace with which the interests of all America are so intimately connected.

The course of events and the embarrassments which at once presented themselves, relative to the appointment of a new Minister at Lima have frustrated the desires which animated me. The Peruvian Government has lately accredited a resident Minister in Chile, and I propose shortly to appoint a diplomatic agent to the Government at Lima.

The interest with which I look upon the relations which the Republic maintains with the United States of North America, and the desire which I have to preserve them on a footing of the most friendly intercourse, and to avoid anything which might tend to prejudice the good understanding, have lately impelled me to accredit a *Chargé d'Affaires* at Washington. For some time past various claims of individuals have been the subject of negotiations between the two Governments; some have been brought to a termination by Conventions approved by you last year, others are under discussion, and some new ones have arisen, the inevitable consequence of the influence of the unfortunate events of last year upon the inhabitants and interests established in Chile. For the adjustment of several of those claims I have considered the presence of a Minister at Washington to be necessary, because they involve circumstances which might be incorrectly appreciated unless at the time of bringing them forward the exceptional state of the country should be borne in mind, and unless there should be some well-qualified person to represent them at the proper time.

The Treaty of Friendship, Navigation and Commerce between the Republic and His Majesty the King of the Belgians, approved



by you last session, has been exchanged and ratified, and a Minister Plenipotentiary has been accredited to that Sovereign, who is to decide as arbiter on the claim pending between the Republic and The United States, regarding the *Macedonian*.

Prussia has recently accredited a Diplomatic Agent, and invited the negotiation of Treaties, to which invitation I have with pleasure acceded.

An Extradition Convention has been negotiated with France, and will soon be submitted to your consideration. It is the first Special Convention of the kind concluded by the Republic, and, keeping in view the principles which we profess in our foreign relations, I have deemed it advisable that the general rules which we are disposed to admit in regard to any other State should be laid down in its stipulations.

Our relations with all other States continue on the same friendly footing as formerly. Spain, whose representative had been withdrawn, has again accredited Don Salvador de Tavera as her Chargé d'Affaires.

I cannot conclude what relates to our foreign affairs without specially recommending to you the dispatch of the project of law respecting Consuls, which has been for some time pending before the Congress. The urgency of regulations for the guidance of our Consuls in foreign countries is strongly felt every day, and the want of them is not only prejudicial to the commercial interests of the country, which are well worthy of being taken into consideration, but may give rise to difficulties of another class which it is best to avoid.

When speaking to you last year regarding the complete re-establishment of legal order, I stated that it was necessary to take prudent and firm measures for extinguishing the germs of anarchy which had been scattered with such profusion throughout the country. I then foresaw the fatal effects of internal commotions and the demoralization which attends them, but I did not think I should have had to recount among them the crime, unexampled in our history, which Valparaiso witnessed on the 18th of September last. The day, the place, the circumstances of the act, the victim chosen, all reveal the most perfect disregard, I will not say of honourable or patriotic sentiments, but even of the most ordinary respect for that which all men honour and venerate. A good servant of the country, a soldier, illustrious by his deeds in arms, was called upon to give the noble example of dying at his post, and in the discharge of his duty, thus rendering greater the contrast between the champions of constitutional order, and those who in the name of sacred principles, not only spread mourning and desolation around them, but sheltered the crime under their shadow. But this sacrifice, like all those made for duty, could not have a barren result.

It excited a just and general indignation, and made every one comprehend the magnitude of the danger to which the country had been exposed.

Another result of the late crisis has been the insecurity of the rural districts in some of the provinces. To correct this the police of several departments has been improved by means of grants from the Exchequer, or by augmenting the funds which they already had; but it has not been possible to extend them in proportion to the amount required. I consider it indispensable that a perfect and well organized rural police should be established. At present its want is supplied by very inefficient means. It is true that this will demand a heavy expenditure, and that it will be necessary to impose a special tax; but nothing can be more just, since this will give security to the persons and property of those who will have to pay it.

Another means which tends to the same end—for it is well known that the insecurity in the rural districts is only noticed after internal commotions—is the project of civil responsibility which I proposed to you last year; it represses sedition and disorder, and there is no political party which has any respect for itself, but must admit that the responsibility of such crimes should be made to fall upon those who have voluntarily incurred it.

Proceeding now to what is purely administrative, various measures have been adopted to improve the political divisions, to establish or organize towns, and to aid the efforts of the municipalities. Ancud and Valdivia, both of which, within a few months of each other, suffered the calamity of fire, have required the special attention of Government.

The postal and telegraphic services are daily improving. The first has been increased, many post-offices have been established, according to the ordinance, and the circulation of correspondence has acquired greater regularity and speed throughout the country; the visits of the director have had a beneficial influence in improving the service; latterly the accounts have been kept on a clearer and simpler system by which the defects of that formerly followed have been corrected.

I have continued to the charitable institutions that protection which they so well deserve. They are improving daily, especially those placed under the immediate direction of the Sisters of Charity and of Providence. The former have been augmented in number by persons brought to the country at the expense of Government, in order that the establishments which are now under their direction may be better attended to, and that they may take charge of others. The House of Providence has been extended, in order to admit a larger number of orphans. The Lunatic Asylum is in good

condition; rules have lately been made for the regulation of the service throughout.

Small-pox has appeared in various towns, and for want of places for this class of patients the establishment of provisional lazarettos has been authorized.

The reduction in the estimates for roads has prevented regular attention to any except the most important, and it has not been possible to open others that were already projected, or to undertake costly repairs. On some of those already formed a toll is at present levied. Various difficulties have been encountered in the execution of this measure, but from the experience acquired they may be avoided in future.

The Southern Railway being completed as far as Rancagua, a distance of 84 kilometres, the directors are occupied in carrying it on to San Fernando. The activity which this railroad has awakened in the tract of country through which it passes and in its neighbourhood, and the profits, greater than could be expected, which it begins to produce to the shareholders, give reason to believe that when this new portion is completed, no great obstacle will be encountered in bringing it to a conclusion. In order to facilitate the plans of the directors I have allowed the company to make use of the bridge constructed over the Cachapoal, reserving a passage over it for the ordinary traffic.

The Valparaiso line of railway as far as Quillota has undergone important improvements in its administration, but inconveniences are felt from the want of directors. The greater portion of the private shares having been acquired by the State, the former acting board of directors no longer exists, and it has not been practicable to form another in conformity with the statutes of the company. I trust that this difficulty may be removed by adopting a course that shall reconcile the interests of the Exchequer and those of the few shareholders who still remain.

For the continuation of this work from Quillota to Santiago I have appointed a special board of directors, and I am satisfied with the zeal which they display. Under their orders a contract has been entered into for the construction of the first 39 kilometres, and they will be completed and opened to the public 10 months hence.

The passage of the Tabon has been the object of fresh surveys. After minute investigations two lines had been traced for this point; but the serious difficulties which this mountain presents, induced me to seek additional means for encountering them by bringing from Europe another engineer, for the purpose of his studying the locality, and weighing and judging of the plans formed. These labours have just been concluded, and according to their results the works

will go on with the activity which they require and which it is my desire to impart to them.

The Commission engaged on the Topographical Survey of the Republic has just finished the maps of the Provinces of Santiago, Valparaiso, Aconcagua and Colchagua, and it is now occupied with those of Atacama and Coquimbo. In order to accelerate the works and the good effects to be derived from them, I have given it 8 additional assistant engineers.

The events which have occurred on the frontiers of the Bio Bio, have somewhat paralysed the colonization which had been commenced near Anjeles. Security to those places having been restored, it may henceforth develop itself on a larger scale and extend beyond the Bio Bio.

The colony of Melipullí if it does not increase with much rapidity, acquires regularity in its administration, and is placing itself in the way of progressing with more certainty.

The law of patents granted for industrial works requires revision ; they are rarely solicited for inventions, and frequently for the introduction of methods or processes known and in use in other countries. These last, except upon certain conditions not established by law, so far from being a stimulus to industry arrest and embarrass it.

The reports transmitted annually by the tribunals of justice to the Government, show that the civil code has not yet offered any practical difficulties worthy of occupying your special attention. The same observation applies to the offices created for the registration of the titles of property which, as you know, came into operation last year.

To fix by a law the principles which are to serve for the solution of questions which the transition from one legislation to another naturally presents in civil life, is a necessity sufficiently urgent. Notwithstanding the similarity which exists in essential points between the new and the old laws, doubts arise, the solution of which cannot be left to the private opinions of the lawyers or the magistrates. I recommend to your consideration the project on this subject which I have laid before you.

The compilation of the penal and commercial codes has not yet been concluded. The portions which are completed have been submitted to the consideration of the tribunals and judges. A special commission of lawyers will soon be occupied with the final examination and revision of the draft of the commercial code. Both codes are urgently required, and I have endeavoured to accelerate them as much as is compatible with the circumspection which works of that kind require.

I remark with satisfaction that the duration of suits before the tribunals has been abridged. This decrease has been effected, partly

by laws which have prescribed shorter procedures, more especially for important trials, partly by the creation of new tribunals which afford greater facilities in the administration of justice to those who are under the necessity of invoking their aid, and also by the attention and zeal with which the magistrates in general devote themselves to the discharge of their duties. I cannot say the same as regards petty suits. The judicial and administrative functions being united in officers who are not remunerated, there is danger of their being sometimes perplexed, and the abilities which these different procedures require are not always combined with each other.

The aid granted for the building of prisons has been limited; other branches of the service claimed priority in the expenditure of the public funds; nevertheless, grants have been made to several towns for this purpose.

The General Penitentiary has become too limited for the necessities of the Republic. The convict prison stations which existed in some of our islands having been suppressed, because they could not be properly attended to or inspected, all those guilty of grave crimes have been concentrated in that sole establishment. Another of the same kind must soon be built. The regulations and discipline in that establishment have been improved and rendered more perfect from the experience acquired in its administration. The workshops produce some profit, and the greater number of criminals are restored to society with a trade which removes them from the paths of vice.

The observances due to religion, the regulator of public morality, have had a principal share in the cares of the administration. New parishes have been created, curates endowed, and aid given for building churches, so far as the state of the public revenue would admit. The Reverend Bishop of Ancud, who was deprived of his residence by the conflagration, has had funds granted to him for its rebuilding, and for that of the seminary.

The secular clergy are insufficient for the necessities of our church. Numerous and extensive parishes are administered by a single priest, who is unable to afford to all the inhabitants even the most indispensable religious aid. The monastic communities in part supply this want, but the suspension of profession which has taken place therein threatened to extinguish them entirely, and deprive the public of their useful service. These difficulties being now in part overcome, some of them have re-opened their houses, and will supply fresh servants to public morality.

The insurrection of some of the native tribes has destroyed a part of the missions established among them, but means are adopted for their re-establishment, and even for founding new ones. There are two communities charged with this important object, to one of which has been confided the missions of the Araucanian frontier, and

to the other that of the frontier of Valdivia. Were the exertions of both combined, the results might be more satisfactory, but this would require a single director, who without altering the peculiar statutes of either community, might establish and maintain between them the union necessary for the better discharge of their tasks. This necessity, and others of a similar nature, have been laid before the Holy See by a special commission of the Government.

The progress of public instruction does not satisfy the aspirations of those who, persuaded of its true importance, see in it the most powerful element of prosperity to the State ; but a considerable advance has been made, if we bear in mind not only the starting point, but the results already obtained. The university directs and stimulates this progression, and its labours daily acquire new importance. The experience acquired since its creation has shown the necessity of some reforms in the law which brought it into existence. By a better distribution of its functions in the cultivation of the sciences and the direction of the higher branches of education, its various faculties will offer a clearer field for intellectual activity.

The National Institute yearly receives some improvement and augmentation in the branches of education. The influx of pupils who come to this establishment is such, that it is not sufficient to satisfy the natural desires of the young men who wish to acquire solid and well regulated instruction. The resident pupils are in a condition very favourable for obtaining this object, particularly those whose families do not reside in Santiago ; and taking this into consideration, the construction of a new edifice cannot be retarded any longer. The Institute relies upon some funds, which, assisted by the liberality of the Congress, will be sufficient for this necessity.

The provincial Lyceums are also expanding, either by the appointment of new professors or the provision of laboratories and the necessary apparatus for instruction, or, in short, by the grant of suitable localities. The primary instruction afforded in them is gradually approaching to that of the National Institute.

The special schools of music, painting, and sculpture also largely favour the development of youthful talent. That of mechanical arts has continued during the last year to give the public intelligent mechanics and artizans.

The scholars who at the end of last year left the normal schools of male and female preceptors have augmented the number of those who, furnished with the necessary acquirements, and conscious of their noble duty, now direct a great part of the primary schools of the Republic. Those establishments, by means of the masters whom they educate, exercise a salutary influence on the regimen and dis-

cipline of the schools, to the improvement of the methods of instruction, and even on the morality and orderly habits of the pupils.

During the period of which I am now speaking I have continued to create new establishments for primary education, giving a preference to those for females, in order to re-establish the relative proportion which had become somewhat altered as regards those for males. Those measures, and many others tending to the same end, will not, however, give to primary education that rapid and sure march which it ought to have, in order to place it on a level with the requirements of industry, morality, and even of the rights of citizenship. It is only by a law stimulating the masters, imposing obligations on the authorities, and creating funds for the various requirements of this branch, that the accomplishment of the desires of all those interested in the aggrandizement of their country can be accelerated. I again recommend this matter and the project relative to it that has been presented to your consideration.

The public revenue in 1859 has produced more than that of 1858, notwithstanding the untoward events through which the Republic has passed during that year. In the Customs this augmentation has been  $18\frac{2}{8}$  per cent., and after deducting the deficiencies sustained by those branches which were the special objects of revolutionary depredations, is equal to a total augmentation of  $5\frac{3}{8}$  per cent. This result shows that if the revolution had power to arrest the increasing progress of the national revenue as compared with other years, it could not entirely paralyze it.

The authorization granted to Government by the law of August 18th last year could not be carried out in the terms set forth. The deposit and importation of warlike stores alone have undergone some modifications. Nevertheless, as soon as the project in general is prepared it will be submitted to your consideration.

The obstacles which I formerly brought under your notice, as regards the collection of the general contribution and land tax, still present themselves; nor can it be expected that they will be removed until such time as, by giving uniformity to the two imposts, greater facilities may be given to the contributors for the payment and fewer difficulties offered for the collection. I recommend to your consideration the project which I have presented to you on this subject.

The interest and sinking fund of the home and foreign debt have been punctually paid. To the treasury of the mint has been confided the custody and administration of the funds resulting from the  $4\frac{1}{2}$  per cent. loan, lately contracted in London, in order that they may be exclusively applied to the railway of Valparaiso and of the south. Of the 7,000,000, 2,000,000 have been employed in the latter railway; a smaller sum in the former and the greater part of the



remainder has been placed at interest, under special security, in the hands of individuals at 9, 8, and 7 per cent. until such time as the funds may be required.

The establishment of new banks renders more urgent a law which may lay down rules for them, and prevent abuses, the more dangerous from the want of experience in such matters on the part of the public. In the project which I have presented to you I have endeavoured to conciliate that liberty which such establishments ought to enjoy, for their development, with the security which ought to be afforded to individuals. When these ideas have been matured by you they will satisfy an urgent requirement.

The mortgage bank has emitted up to the present date 4,894,600 dollars. The regularity in the transactions of this institution, the rigorous and scrupulous examination of the title deeds which it receives as security, and the confidence afforded by the simplicity and celerity of the mortgage system created by our code, have given to its notes a high value. In virtue of the authorization conferred by the Congress, I have issued a regulation which, by fixing the operations of the bank, may, I trust, contribute powerfully towards its future advancement.

The savings' banks for public employés, through the liberality with which it has been favoured by Congress, draws daily new depositors. Institutions of this kind for the less wealthy classes, without exacting equal subventions from the State, will serve to correct those habits of improvidence and dissipation which afflict a large portion of the community. This matter is worthy of your consideration.

The morality and discipline of the army have not belied themselves during the period which I am bringing under your notice. Retained upon the same footing which the events of last year rendered necessary, at the same time that it has served to garrison different towns, it has acted efficaciously on the southern frontiers against the depredations of the barbarians (*i. e.*, the Morans). Both on the coast and interior it has protected the frontier from those invasions by the punishment of the guilty. The security, however, is not complete, nor such as that part of the Republic requires to restore and develop the elements of welfare which it formerly enjoyed. There are still some tribes which it is necessary to bring within their proper limits; to submit them to regulations which may render impossible hereafter the repetition of the excesses which have been committed, and to withdraw them from the baneful influence of parties who have abandoned their country. When these operations for the establishment in those districts of a moral and industrious population shall have been completed, they will be a new source of prosperity and riches to the Republic.

The law of the 1st of October has ameliorated the condition of the soldier, granting a generous reward for a lengthened period of good services. The project I presented to you with regard to the pay of the chiefs and officers will produce for them a similar result, without weighing heavily on the public revenue. Justice and propriety, moreover, require that the condition of those who, by loss of limbs, or otherwise, have been rendered unfit for active service, should be taken into account. The sacrifices of these servants entitle them to more ample recompenses than those conceded to persons who are rendered unfit for service by ordinary and common infirmities.

The national guard, with a few exceptions in the south, has been limited to its ordinary duty. Always animated by a good spirit, opportunity has only been wanting for it to have rendered during the last epoch services equal to those of the army. In those armed citizens are found a firm support of the institutions, the necessary and due counterpoise of the army, and a powerful element of internal order and external defence. At present, it is composed of 35,600 men. A law for its organization and regimen should not be delayed; upon this matter I have already submitted to you the ideas of the Government.

The navy has been in constant activity; the operations on the frontier, and the care and protection of our extensive seaboard, have afforded it occasion for the display of zeal and devotion to the discharge of its duties. Limited in numbers, even as regards our small materials, it looks for augmentation from the school specially founded for it. It is composed, at present, of 4 steamers and one sailing-vessel; a new brigade of marines has been created for it.

The pay fixed by the law of October 1st of last year, which was immediately put into execution, has obviated the difficulties experienced in completing the service of naval officers and seamen. This result will be more complete when you have given your attention to the project which I have presented to you regarding the enlistment of seamen.

The unfortunate events through which the Republic has passed, have, by paralyzing industry and commerce, had an unfavourable effect upon the augmentation of the mercantile marine. It has not, however, remained stationary, and measures, at present, some tons more than it did last year.

The condition of the Chilean seamen abandoned on foreign shores has called for some measures for securing to them a return to their country. Thus merchant-vessels will obtain seamen with greater facility when the men see themselves free from the risk of abandonment to which they were formerly exposed.

A new lighthouse is now in course of erection on the north point

of the island Quiriquina, and as soon as this is finished, others, which are prepared, will be established at those places on our coasts where they are most required.

Fellow citizens of the Senate and Chamber of Deputies! In the abstract which I have just laid before you of the labours of the Administration, you will doubtless observe that it has with preference occupied itself in re-establishing and ensuring public confidence and internal tranquillity, but without neglecting to further the work of improvement and prudent advancement which the country requires. Herein I have shunned the exaggerated ideas of those who imagine that a forward impulse may be profitably given to a country without taking into consideration its condition and the elements of which it is constituted; as well as those of persons who, ignoring that progressive advancement which all nations follow, only look at the dangers of innovations, and without seeking the measures by which to render them effective, leave with a sluggish indolence the course of time to effect by violent changes that which ought to be the natural result of the impulse towards perfection prudently directed. I am strongly convinced that such an advance is the only one suitable to the country; it is that which has enabled it to attain the advantage of its present position, and which can elevate it more every day in civilization and riches, in order and liberty, without compromising the benefits already obtained. I also see that this is what the majority of the country supports and which will prevail among us. But in behalf of that judicious progress it is necessary to remove all kinds of difficulties. There may be different ways of arriving at the end in view, and it is for the common interest of all our citizens that they should judge of the means of attaining it. A time is approaching in which it behoves those who look upon the national prosperity as identified with liberty and order to remember the influence which elements foreign to the general interest exercise in political struggles, and, throwing aside personal affections and considerations, to place the solution of important political questions upon a higher ground, and to confide the realization of this great purpose to him who has faith in it, and who, somewhat removed from the impressions produced by political strife, only represents the triumph of that idea. They would thus give a proof of the patriotism of their acts, of the elevation and disinterestedness with which they regard the great interests of the country, and at the same time they would make an appeal to the patriotism of those who look with distrust at that prudent progress from considering it partial and insincere. Should they not be listened to, the country will not on that account fail to be persuaded whose was the loyalty that sought the welfare of the State, and the moral force, far from being weakened by

those who raise the banner of liberty and order, would receive the support of every person of upright ideas and sentiments. I pray, my fellow-citizens, that in the exercise of your rights you may only listen to the well-understood interests of the country, and succeed in harmonizing and securing liberty and order on our soil, so that we may thus see our beloved country advance without obstacle in the career of progress, and occupy a distinguished place among the nations.

MANUEL MONTT.

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*MESSAGE of the President of Peru on the Opening of the Legislative Assembly.—Lima, July 28, 1860.*

(Translation.)

GENTLEMEN,

LITTLE more than a year has passed since the extraordinary Congress closed its sessions; and the ordinary Legislature having now assembled in virtue of the decree of convocation issued by the Government in the exercise of its constitutional powers, my mind is pervaded by a feeling of patriotic satisfaction, at finding myself again in this honoured place, and in presence of the chosen of the people.

As the serious circumstances which called for the Decree of 11th July last year are well known to all, it would be useless and out of place to repeat at this time what occupied the periodical press for many days, and was the object of undeserved attacks, as well as of substantial and triumphant vindications, which were perhaps unnecessary for the justification of a measure uniformly approved by the people, who embraced it with good will and prepared to elect their representatives within the period prescribed by the laws.

The reasons which supported the Government were undeniable: they rested on the spirit and letter of the Constitution, on the history of the extraordinary Congress, and on the public conscience. That Congress had been convoked for certain definite purposes; it had fulfilled the most important and principal objects of its mission; it had prolonged its sessions for a number of days more than double that which is granted by the fundamental law, and for this reason, among others, the time appointed for the convocation had long passed away; it had convoked, and had convoked itself, assuming the function of the ordinary Congress, which had not been assigned to it, despoiling the Government of its Constitutional powers, and the people of the essential right, inherent in their sovereignty, of electing their representatives upon every occasion determined by law.

The confusion and disorder which such proceedings might produce in the political mechanism and constitutional movement; the responsibility which an imprudent, weak, and culpable acquiescence might entail upon the Government before the nation, before its own conscience, and before the whole world, did not allow of any hesitation; and after serious consideration, and with mature resolution, it was decided at last to take a step for the safety of the institutions and of public order, by issuing the decree of Convocation, which is now fulfilled to the utmost, and triumphantly justified by your meeting here as faithful agents and depositaries of the confidence of the people: an event which is, of itself alone, an answer to all the invectives hurled at that act of the Government, and which condemns that seditious and anarchical idea, which error or malignity has endeavoured to propagate, that the supreme authority had infringed the constitutional law, and ought to descend from his high position. That very decree, the foresight and watchfulness of the Government, and, above all, the good feeling of the people, have preserved order and domestic tranquillity from one end of the Republic to the other; so that you may, without reserve or anxiety, devote yourselves in the present sessions to the improvements and reforms which experience and the counsels of your constituents have suggested as necessary, and to the enactment of beneficial laws tending to the welfare and aggrandizement of the nation, and to the assurance of its future.

Our peaceful relations and fraternal amity with the other Republics of South America remain, with few exceptions, in a satisfactory state. Peru has had serious and weighty cause of complaint for injuries done to her at various periods, and especially of late, by the Government of Ecuador; and as all the applications and efforts on our part to obtain justice and the recognition of our rights had been disregarded and fruitless, it had become necessary to appeal to arms as the last resource. But fortunately the salutary counsels of reason prevailed in the mind of the supreme authority which had succeeded to the aggressive administration, as well as amongst the generality of the citizens; and a Treaty, preceded by sincere and ample satisfaction and the spontaneous acceptance of the *ultimatum*, put an end to the old disagreements, re-established the relations of friendship and good understanding between the two Republics, and by ridding us of the serious inconveniences of the actual situation, and preventing those which might occur in future, averted the imminent conflict of war, which would have cost torrents of blood and tears, and the desolation of a fraternal people; and as we were not seeking either blood-stained laurels or easy conquests, but asking for justice and vindicating our rights, when the object was obtained by means of honourable stipulations, our generous and

iant soldiers returned to the shores of their country, and gratefully and gratefully recollections behind them among Ecuador, and also leaving the Ecuadorians at full liberty to settle among themselves their domestic difficulties, in which we had been very far from interfering.

It may be stated here that those difficulties, far from having been settled in a more or less pacific manner, have become more complicated from the interposition of an entity foreign to the country, to its political interests, to the popular views and tendencies, and even to the sympathies of Ecuadorian society in general. To this fresh element of disunion and disorder, to the exasperation of parties, to insidious and ignoble machinations, conceived in impotence and spite, will that unfortunate country owe the indefinite prolongation of the civil war, as well as disasters and devastations much more grievous and severe than those which might have been inflicted on her by an external war from which she has just freed herself.

To interest the people by playing upon their candour, and to inflame their passions to their own injury, recourse is had to fraud and imposture; by calumnies and absurd vulgarities it is sought to make Peru odious to them; Peru that has never given them ought but proofs of friendship, that has declined to interfere in their political affairs, that has never defrauded them, but, on the contrary, has poured immense treasures into their territory, whilst her forces were stationed on their shores; and that has finally conceded to them by Treaty such frank and generous conditions, that she has been exposed to some censure arising from a zealous feeling, excusable though excessive.

But neither Peru nor her Government will allow ignoble caprices and senseless aspirations to spoil and overthrow the work of conciliation and peace which has cost such labour and sacrifice, so much time and treasure; they will not allow the interests and rights, the dignity and honour of the nation, and the securities obtained for the future to be trifled with, by returning to the former position of infamous outrages and noisy scandals.

It is painful to inform you that the Cabinet of Bolivia, far from appreciating and showing itself grateful for the proofs of friendship and goodwill which it has ever received on the part of Peru and satisfying the Republic for the injuries and outrages with which it has so often transgressed our rights, breaking solemn engagements, inundating our markets with base money, and trying our patience with imperturbable tenacity in every way; not only has it disregarded the justice of our demands; not only has it refused to all the applications addressed to it in answer, but setting forth imaginary com-

grievances to complicate and paralyze the matters in question, to put off and obstruct every definitive arrangement, and last of all, attributing to us hostile intentions, without being able to charge us with a single aggressive act that could give proof of them, it suddenly launched a decree of rigorous interdiction, which, though it at first injured the commerce of our adjacent provinces, will doubtless injure to a much greater extent the impoverished people and exhausted treasury of Bolivia ; without, perhaps, preventing by those imprudent sacrifices, not the blows of Peru, which it pretends to fear in order to obtain support and a favourable reaction amongst its oppressed and exasperated people, but in reality those of a different nature and origin which it well knows and is afraid of.

The Government in the mean time will remark that the Cabinet of Bolivia presents itself before Peru and the whole world as a declared enemy ; that it throws down the gauntlet as unexpectedly as arrogantly ; and the Government will be prepared in any case to repel and repress any attacks, machinations, or sinister enterprises whatever ; and it will not be surprising if the course of events should place it under the hard necessity of bringing an insidious and faithless Government to a strict account, not only for past injustice and wrong, but also for those of the present time. Nevertheless, the Government will still hope that the Cabinet of Bolivia may reflect upon and amend its policy, and we shall not neglect either the means or the opportunities that may occur for reuniting with us, a friendly, fraternal, and neighbouring people in bonds which ought never to have been severed.

With the powers beyond the seas we maintain friendly and courteous relations ; we faithfully observe the Treaties which bind us to some of them ; we do justice to their demands, and we receive their respective subjects with manifest proofs of goodwill and esteem.

A question of simple origin, respecting a subject of the French Empire was about to become rather serious, on account of purposely falsified reports, by which endeavours were made to alter its nature, and give it a hateful character. But the Imperial Cabinet, prudent and moderate, came to the well adapted resolution of sending to the Government a noble, intelligent, and sagacious personage, with a commission to arrange the affair in a definitive manner ; when this was thoroughly examined with due impartiality, the facts made known and plainly discussed and cleared up, it was not difficult to arrive at conclusions satisfactory and honourable to both parties ; and it is to be hoped that we shall very soon receive notice of the Emperor's acquiescence therein.

Another question, that should have been still more simple, is still pending with the Cabinet of Washington, which demands indemnifi-



cation from us for which in truth we are not legally answerable. Two North American vessels, infringing and contemning our laws, our political principles, and our rights and privileges as a sovereign nation, abstracted guano from our islands, taking it against express and decisive prohibitions, decrees and regulations still in force. Having been surprised and captured, they were tried and condemned according to the laws which rule in every civilised country, and in the full plenitude of right. Then an attempt was made to frustrate the action of the laws and to render the executory judgment nugatory; and recourse was had, as an extreme and desperate measure, to diplomatic proceedings, which are certainly free and quite applicable to matters of another kind, but are restricted by right and custom, by justice and reason, and even, it may be said by morality, from facts and cases of such a nature as the present.

But, notwithstanding that civilized nations of South America and of Europe have pronounced in our favour, and that the enlightened Government of Chile has justly and rationally acquiesced in the sentence of our tribunals in an identical case, wherein Chilean vessels had been guilty of the same offence, at the same time, and under similar circumstances, we have not been able to see the end of this strange and unpleasant question. But it is to be hoped that the impartial counsels of a cautious and equitable policy will at last induce the North American Government to acknowledge the incontestible justice which is on our side, either by not insisting on such a demand, or by submitting the matter to the arbitration of some power friendly alike to both Republics. This is an easy and customary means, adopted by all civilized nations to obtain an honourable and amicable solution of still more serious questions, when the parties have not been able to agree; a means the more acceptable and decorous in the present case, as the final object of the controversy is merely pecuniary. And in support of the ideas which I have just expressed, grounded on the caution and equity which must direct the proceedings of North American diplomacy, I think it right to tell you, that as the distinguished and able representative of that Republic is now in communication with the Government on the subject of the pending question, we may reasonably expect a satisfactory solution.

And here I must call to mind, Gentlemen, the disagreeable and humiliating position in which the Government frequently finds itself, from the imperious and violent manner in which strong Powers are accustomed to exact and wrest from it indemnifications, always exorbitant, and frequently not due. In this way Peru has been despoiled of immense treasures, of which no small part has been carried off in triumph by captious and basely covetous speculators, for whose advantage, and as a reward for having trampled on the laws,

failed in respect towards the authorities, committed shameful offences, provoked quarrels to make a profit out of the public fortune, and taken part in the domestic dissensions of the country which gave them the most ample and generous hospitality, arbitrary and humiliating fines have been imposed upon us.

The abuse of overpowering force never has been, and never can be an argument of justice. This impious abuse has been severely reproved and deservedly condemned, and exposed to public shame before the face of Europe and the universe, by exalted personages, honest and enlightened, impartial and just, in most clear and striking terms, with resplendent and vigorous logic, proclaiming immutable principles, and appealing to the conscience, the civilisation, and the honour of all powerful nations.

The relative weakness of the South American Republics, divided and isolated from each other as they are, is, in the opinion of the Government, the cause of their having been treated with but very little regard upon various occasions, as if the common law of nations had no existence for them, as if they had been states of Barbary.

The Government does not consider it compatible with the national dignity, nor with its own honour, that such an objectionable and depressing state of things should continue, and that forced concessions should be converted into a right, if such hateful and lamentable precedents be allowed to multiply and accumulate from day to day; but looks upon it as one of its principal duties to provide a safeguard for the honour and interests of the Republic, by appealing to the protecting and undeniable resources of justice and universal right; and the Government hopes that the representatives of the Peruvian people, with the enlightened patriotism that distinguishes them—will co-operate to effect this purpose.

The Government willingly attends and does justice to rational and equitable claims; and the private applications and proceedings of the same nature, also meet with the best attention in the tribunals of the nation. Nothing is more easy than the settlement of a claim when it comes with the ingenuous appearance of truth and justice; but the nation cannot keep its coffers open at the discretion of any one who may covet its treasures, in order to make, all at once, a fortune to which he has no right. Respectable and well educated persons, who come to the country to embark in speculations, or to carry on some kind of trade, and to acquire capital by lawful means, while they win public esteem and confidence, are certainly not those who stir up difficulties and raise unpleasant international questions; but it is those men of unknown origin, and perhaps of miserable antecedents, those dangerous adventurers who come here with the intention of making money at all hazards, without capital and without labour. An example of this immoral traffic, recently discovered

with all its scandalous details, by the good fortune of one of the sister Republics, tells much more than can be added here.

At last, by the force of events, the Government found itself under the necessity of coming to the resolution, perhaps imprudently delayed, of not admitting into the territory of the Republic any foreigner who did not submit himself to the laws in an express and positive manner, in the same way as the Peruvians are subject to them; and consequently of not paying to any foreigner any indemnification of any kind whatever which it is not obliged to pay to a Peruvian, in accordance with the laws of the country.

Notwithstanding the serious circumstances and complications which constantly and in various ways have called for its chief attention, particularly in the region of high politics, the Government, always anxious for the welfare and aggrandisement of the nation, has not neglected the progress of important public works, such as the splendid pier of Pisco, the first in South America; other such works are already begun and will be pushed on as much as possible, and some are already far advanced, as the Penitentiary, a magnificent monument, which will do honour to the country, and of which the destination is highly humane and moral. To open roads, to construct bridges and canals for irrigation, to facilitate the passage of our mountains; to people them, to cultivate their fertile lands, to make available the rich and precious productions which are unknown and concealed in them; to attract immigration, and to regulate it discreetly, opportunely and fitly; to make the communication between the towns easy and rapid, as well as that between them and our copious rivers, which afford immense means of transport for industrial and agricultural produce, with short and easy access to the Atlantic, and beneficial commerce with other nations; to promote and encourage the development of agriculture, of mining, and of all productive works and enterprizes; to make use of those resources and elements with which our soil abounds for the quietude, aggrandizement, and repute of the nation; in one word to assure its future; such is the constant and vehement desire of the Government, and such, I am bound to say, is my aspiration, my personal ambition.

We should have already made no inconsiderable advances in the path of progress, if fatal events had not intervened to distract attention, to paralyse efforts, to multiply difficulties, and to absorb the public time and treasure. On internal and external tranquillity and peace, on the co-operation of the people and your own, it depends whether the Government can reckon on the time, the repose, and the necessary means to attain, for the good of the country, the realization of its extensive designs.

Some progress has already been made in regard to the postal

service, but it is still necessary to improve it, in order that the course of correspondence may be more easy and rapid; you will adopt such measures as you may consider fitting for the completion of this important department.

The judicial authorities act with perfect independence within their proper limits, and the Government effectually contributes to this by respecting them and causing others to respect them, and by giving them the requisite support for the execution of their judgments and orders.

But the administration of justice has met with considerable difficulties and obstacles in its course, which neither the zeal nor the ability, nor yet the integrity of the magistrates has been able to overcome; for there are defects and errors of great magnitude in our legislation in general, and particularly in the part relating to procedures, which delay and complicate causes the most simple and of most easy and brief determination, superfluously multiply the proceedings, and offer an ample field for unfair litigants. Well founded representations have been made by the tribunals, demonstrating these and other defects in our recent codes, and which you will no doubt take into consideration with a view to their indispensable reformation.

Truly disconsolatory is the picture offered by the criminal statistics of these latter times, and in particular the large number of atrocious crimes which keep society in a state of terror. A plague of malefactors infests the country, their numbers and audacity augmented by reinforcements of foreign outlaws, and every day the necessity becomes more imperious for the adoption of severe and efficient measures to terrify the evil-doer and arrest him in his career of crime, instead of animating him by impunity, and leaving the life, the honour, and the fortune of the peaceful and defenceless citizen at the mercy of the assassin's poniard. It will be worthy of your examination to ascertain whether the evil exists in the legislation, or in the immorality of a corrupted and degraded part of the population.

In the midst of the unfavourable circumstances before mentioned, public instruction has been attended to as far as possible, by the establishment of schools where there were none, by increasing their number in various districts where they were urgently required, and by re-establishing others which had been closed; so that a considerable number of children of both sexes are now receiving instruction in all the public and private schools which are in operation throughout the wide territory of the Republic.

The first experiments of the central normal school have answered to a great extent the purposes of the institution, the expectations of the public, and the intentions of the Government in amplyfying

and regulating primary instruction, which has hitherto been very scanty, superficial, and defective throughout the country, especially in the interior provinces.

Rectors and professors of acknowledged ability have the direction of the national colleges; and the examinations which regularly take place in them, testify to the zeal and devotion of the masters, as well as to the perseverance and consequent advantage of the pupils.

The Government is not, however, satisfied with what has been done and is still doing in this department; it desires the propagation and the rapid progress of enlightenment; it desires that education, useful knowledge, and the study of the sciences, should become general; that there should be plan, system, and uniformity in the method of teaching; that there should be practical schools of arts and trades; that the Universities should arouse from the state of inertness, prostration, and complete nullity in which they are now; that instead of an illusory and fantastic existence, and of words devoid of meaning, they should receive a real and active existence, and become the worthy and venerable centre of all scientific teachings and doctrines, in conformity with the ideas, the spirit, and the wonderful progress of modern times.

In harmony with the ideas of the Government on public instruction in general, some important works have been prepared, which will have to be duly applied very shortly.

The hospitals are at present in the best possible condition, by means of the support afforded to them in strict justice by the intelligent and pious zeal of the benevolent societies, and the delicate and anxious service of the Sisters of Charity. Among the establishments of this kind is to be distinguished the lunatic asylum for both sexes recently opened in the Cercado, where the patients were transferred a few months ago, and where from the extent, conveniences, and scrupulous cleanliness of the locality, the salubrity of the temperature, careful attention, and adequate moral and physical means which science and experience employ opportunely and sagaciously in the treatment of those unfortunate beings, it is to be hoped that at least some of them may recover the full exercise of their intellectual faculties.

Our army gives fresh proofs every day of its well-known valour, morality, and discipline; and its conduct in the late campaign of Ecuador was worthy of its name. Divided between the north and the south, conducted by intelligent, vigilant, and active commanders, well armed, equipped, and paid, it is on the alert and ready to proceed wherever the necessities of the public service may call it for the defence and protection of the honour and the rights of the country; hitherto the forces of which it is at present composed have

been sufficient, and although they are larger than ought to be kept up under ordinary circumstances, it has not been necessary to increase them to the number sanctioned by law.

The services which the national fleet is called upon by its noble destiny to perform, and which it continually does perform, are of too great importance and therefore too well known, to make it necessary to record them. The fleet guards our coast and our interests, and is, at the same time, a powerful element of internal order. It maintained an extensive blockade of foreign territory; it aided the army, both in transporting it, and in the movements and operations of the campaign, and won, like that, the sympathies of the Equatorian people by its moderation and worthy deportment.

The same law that authorized the Government to augment the army, also authorized it to call into service the fighting men of all grades; and this has been done, many having been incorporated into the army and navy, without distinction of party or political complexion.

To secure the Republic against every kind of surprise, to make its frontiers respected, to vindicate our rights and the honour of our flag, it has been unavoidable, although very painful, to devote thereto, in preference, a large expenditure, which the Government would have wished it possible to avoid, in order to apply it to many and most useful improvements of vital importance, which the nation urgently requires to attain that high degree of prosperity and aggrandizement to which it is naturally called. Exigencies, as pressing as they were serious, and that one no less serious and pressing of fulfilling with scrupulous punctuality the engagements of the internal and external debt, have made, it is true, a considerable inroad upon our coffers; but it is also evident that far from our credit having decayed, it maintains itself at such a height, in the country and out of it, as is shown by recent transactions, by the high price of the securities in the market, by the difficulty that has been met with in redemption, by the scarcity of bonds on sale, and by the general disposition of the holders to retain what they possess, by reason of the confidence inspired by seeing their capital secure and productive. Another flattering aspect of the actual state of our credit is, the assurance of our ability to obtain in the commercial centres of the world the funds which the country may require to undertake and complete works of the greatest importance, and which are now of urgent necessity.

Of the various branches which constitute the national revenue, the Customs and the guano of the islands are the principal; the former are far from producing so much as they ought, in proportion to the riches, the increasing population, and consumption of the country; there are reasons for believing that smuggling is practised

on a large scale, that from thence arises the injury, and that the high duties with which certain merchandize is burdened nourish and stimulate that immoral traffic.

The system of consigning guano has been for a long time past a fruitful source of long discussions in the press, carried on with more or less warmth, and with reasoning of more or less weight; but the Government which studies the question uninterruptedly, seeking from experience and principle what is most fitting and to the point, does not yet find solid grounds for forming a different judgment from that which it has formed, respecting the mode of administering that important branch.

The monetary position in which the Republic finds itself is serious and complicated in the extreme; and much has been written recommending various ways and means to cut out the devouring cancer of the debased and discredited circulating metal. There are two certain means of effecting this; either to prohibit altogether the circulation of the Bolivian money, or to wait until the course of exchange occasions its exportation, in order that the former may be done with less charge on the exchequer; but, in either case, our monetary law must be reformed, because it is not in analogy with the present value of the precious metals.

The two questions of exchange and of money are intimately connected with each other; on which supposition it will be opportune to state, that although it has been vociferated on the part of national and foreign commerce, that the exchange is ruinous to them, such an idea cannot be accepted without reserve, for it is contrary to the most elementary notions of political economy; neither is it possible to conceive that exchanges should be constantly injurious to one of the parties engaged in the operation.

You will be circumstantially informed by the respective Ministries of all that concerns the various branches of the Administration, of the necessity of reforming some laws, the application of which offers no slight difficulties; such as those of conscription and the national guard; and others exceedingly defective and inappropriate; such as those of elections, of the municipalities, and of printing, as has been confirmed by experience and practice. The regulations and tariffs of the Customs, as well as the system of the Exchequer Offices, slow in their course, and, in one word, of imperfect organisation, must likewise be reformed. You will be apprised of all the public works already completed, or undertaken, or projected; and in due time an account will be given to you of the receipts and expenditure of the public treasury, with the necessary vouchers.

Legislators; you are about to fulfil the stern duties imposed upon by the august mission which the people have freely and legally conferred upon you. To consolidate peace and order, respect and



obedience to the laws and the public authorities; to enact suitable laws and useful reforms; to improve the institutions, in order to secure their permanence and prevalence; and in order that the rights and liberties of the citizen may not fluctuate; to second with your enlightenment and effective co-operation the views and projects of the Government, to the profit of the nation, for whose aggrandisement it is solicitous: such is the programme which will be laid before you as the result of profound and patriotic deliberations. May Divine Providence enlighten you and protect you, and cover you with honour and glory,

Legislators; the ordinary sessions of the Congress of the Republic are opened.

RAMON CASTILLA.

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*ACT of the British Parliament, "for the Protection of Inventions and Designs exhibited at the International Exhibition of Industry and Art for the year 1862."*

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[25 Vict. cap. 12.]

[April 29, 1862.]

WHEREAS it is expedient that such protection as is hereinafter mentioned should be afforded to persons desirous of exhibiting new inventions or new designs at the International Exhibition of Industry and Art to be held in the present year, under the direction of "The Commissioners for the Exhibition of 1862:" be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. This Act may be cited for all purposes as "The Protection of Inventions and Designs Amendment Act, 1862."

*Protection of new Inventions.*

II. The exhibition of any new invention at the said International Exhibition shall not, nor shall the publication, during the period of the holding of such exhibition, of any description of such invention, nor shall the user of such invention, under the direction of the said Commissioners, prejudice the right of any person to register provisionally such invention, or invalidate any letters patent that may be granted for such invention.

*Protection of Designs.*

III. The exhibition at the International Exhibition of any new design capable of being registered provisionally under the Designs Act, 1850,\* or of any article to which such design is applied, shall not, nor shall the publication during the period of the holding of such

\* Vol. XXXIX. Page 1143.

exhibition of any description of such design, prejudice the right of any person to register provisionally or otherwise such design, or invalidate any provisional or other registration that may be granted for such design.

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*ACT of the British Parliament, to carry into effect the Treaty between Her Majesty and the United States of America of April 7, 1862, for the Suppression of the African Slave Trade.*

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[25 & 26 Vict. cap. 40.]

[July 17, 1862.]

WHEREAS on the 7th day of April, in the year of our Lord 1862, a Treaty was concluded and signed at Washington, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and The United States of America, for the suppression of the African Slave Trade, whereby it was agreed as follows:

[Here follows the Treaty. See Page 50.]

And whereas it is expedient that provision should be made for giving effect to the provisions of the said Treaty and Annexes: be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. It shall be lawful for any officer commanding any ship of war of Her Majesty or of the United States of America, not below the rank of Lieutenant of the Royal Navy (unless by the death of the Commander of such ship or otherwise the command thereof shall have devolved upon an officer of inferior rank, and then for such last-mentioned officer), and who shall be duly instructed and authorized, according to the provisions of the said Treaty, and for any officer not below the rank of Lieutenant in the Royal Navy who shall be acting under the orders of any officer commanding a ship of war so instructed and authorized as aforesaid, to visit and search any merchant vessel of either of the said two nations which shall upon reasonable grounds be suspected of being engaged in the traffic in slaves, or of having been fitted out for that purpose, or of having been engaged in such traffic during the voyage in which such vessel is met, and to detain and send or carry away such vessel, together with its masters, sailors, passengers, slaves, and cargo, for the purpose of such vessel being brought to adjudication before one of the Mixed Courts of Justice, to be established in virtue of Article IV of the said Treaty; and all such commanders and other officers in the exercise of such rights shall comply with the several

provisions and instructions of the said Treaty which apply thereto respectively.

II. All ships and vessels belonging wholly or in part to Her Majesty's subjects which shall be suspected upon reasonable grounds of being engaged in the traffic in slaves, or of having been fitted out for that purpose, or of having been engaged in such traffic during the voyage in which such vessel is met, and all boats, apparel, and cargoes therein, shall be subject to search and detention by British or American vessels of war duly authorized for that purpose according to the stipulations of the said Treaty, and subject to condemnation or other judgment by the judges and arbitrators of the Mixed Courts of Justice to be appointed according to the provisions of the said Treaty.

III. It shall be lawful for Her Majesty, by any warrant under Her Royal Sign Manual, countersigned by one of Her Majesty's Principal Secretaries of State for the time being, to appoint such judges and arbitrators as are in and by the said treaty mentioned to be appointed by Her Majesty, and from time to time to supply any vacancies which may arise in such offices by appointing other persons thereto, and to grant salaries to such judges and arbitrators as aforesaid, not exceeding such annual sums as the Commissioners of Her Majesty's Treasury shall from time to time direct; and such judges and arbitrators shall be empowered to examine and decide all such cases of detention, captures, and seizures of vessels and their cargoes as aforesaid, detained, seized, or captured under the said Treaty, as are by the said Treaty and by this Act made subject to their jurisdiction, and to proceed therein, and give such judgments and make such orders therein, and do all other things appertaining thereto, agreeably to the provisions of the said Treaty, as fully as if special powers for that purpose were inserted in this Act.

IV. It shall be lawful for Her Majesty, by any warrant under Her Royal Sign Manual, countersigned by one of Her Majesty's Principal Secretaries of State for the time being to appoint a secretary or registrar to each of the Mixed Courts of justice which shall be established in Her Majesty's dominions, and from time to time to supply by other appointments any vacancy which may thereafter occur in such office, and to grant a salary to such secretary or registrar not exceeding such annual sum as the said Commissioners of Her Majesty's Treasury shall from time to time direct; and such secretary or registrar shall be empowered to perform all the duties of such office set forth by the said Treaty, and to do all such things as may be necessary for the due discharge of the duties of his said office.

V. In case of the death, sickness, absence on leave, or any other legal impediment of any such British judge of any of the said

courts established by virtue of the said Treaty, the British arbitrator of such court shall fill the office of such judge *ad interim* until the office shall be thereafter filled by some person appointed by Her Majesty, or until such judge shall resume the duties of his said office; and in case of the vacancy of the office of British arbitrator of the Mixed Court established by virtue of the said Treaty in the possessions of Her Majesty, or in case of the death, sickness, absence on leave, or other impediment of the said arbitrator of the said court of justice, the office of such arbitrator shall be filled *ad interim* successively by the Governor or Lieutenant-Governor resident in such possession, by the principal magistrate in the same, and by the Secretary of the Government, until the said office shall be filled by some person appointed by Her Majesty, or until such arbitrator shall resume the duties of his said office; and in case of the death, sickness, absence on leave, or other legal impediment of the British arbitrator in the Mixed Court of justice established by virtue of the said Treaty within the possessions of the United States of America, or in case of his assuming *ad interim* the duties of a judge of the said Mixed Court as aforesaid, the office of such British arbitrator shall be filled *ad interim* successively by the British Consul and British Vice-Consul resident in such possession; and in case of such vacancy of the offices both of such British judge and British arbitrator, then that such office of judge shall be filled by the British Consul and such office of British arbitrator by the British Vice-Consul; and in case there shall be no British Consul or Vice-Consul at such place, then it shall be lawful for The United States' arbitrator to act in all those cases in which a British arbitrator, if there were any, would be required to act; and in case of such vacancy in the offices both of British judge and British arbitrator, and there should be neither a British Consul nor British Vice-Consul resident at such place, then it shall be lawful for The United States' judge and United States' arbitrator of such court to sit in such court, and in all cases brought before them for adjudication to adjudge the same, and pass sentence accordingly, until the said offices shall respectively be thereafter filled by some person or persons appointed by Her Majesty, or until the said British judge and British arbitrator shall resume the duties of their said offices respectively.

VI. In case of the death, sickness, absence on leave, or any other legal impediment of any such United States' judge of the said Court established by virtue of the said Treaty within the territories of The United States, the place of such United States' judge shall be filled by The United States' arbitrator *ad interim* until the office shall be thereafter filled by some person appointed by the said United States, or until such judge shall resume the duties of his said office; and in

case of the death, sickness, absence, or other legal impediment of the United States' arbitrator of such court, or in the interim the duties of The United States' judge of the said court, the place of such arbitrator or judge of The United States' court, and it shall be lawful for the British judge to act, and in all cases brought before him to adjudge the same, and pass sentence accordingly.

VII. In case of the death, sickness, absence, or other legal impediment of a judge of the courts established by treaty, or in the interim the duties of The United States' judge shall be filled by The United States' Consul or Vice-Consul, or in case of the death, sickness, absence, or other legal impediment of The United States' arbitrator, the duties of The United States' arbitrator, the office of such United States' judge, or The United States' Consul or Vice-Consul, he both of The United States' judge, or The United States' Consul or Vice-Consul, then the vacancy of The United States' judge, or The United States' Consul or Vice-Consul, and in case of the death, sickness, absence, or other legal impediment of The United States' arbitrator, then it shall be lawful for the British judge to act: and in case the vacancy be both of The United States' judge and of The United States' arbitrator, and of The United States' Consul nor Vice-Consul to fill the said vacancy, it shall be lawful for the British judge and the British arbitrator to sit in such court: and in all cases brought before them to adjudge the same, and pass sentence accordingly, until the said offices shall respectively be thereafter filled by some person or persons appointed by The United States, or until the said United States' judge and United States' arbitrator shall resume the duties of their said offices respectively.

VIII. Every such judge and arbitrator so appointed by Her Majesty, before he shall enter upon the execution of any of the duties of such his office, shall take an oath in presence of the principal magistrate then residing and acting in the colony, settlement, or place in which the Mixed Court shall be established, whether belonging to Her Majesty or to the United States of America: which oath any such magistrate shall be authorized to administer in the form following (that is to say):

courts established by virtue of the said Treaty, the British arbitrator of such court shall fill the office of such judge *ad interim* until the office shall be thereafter filled by some person appointed by Her Majesty, or until such judge shall resume the duties of his said office; and in case of the vacancy of the office of British arbitrator of the Mixed Court established by virtue of the said Treaty in the possessions of Her Majesty, or in case of the death, sickness, absence on leave, or other impediment of the said arbitrator of the said court of justice, the office of such arbitrator shall be filled *ad interim* successively by the Governor or Lieutenant-Governor resident in such possession, by the principal magistrate in the same, and by the Secretary of the Government, until the said office shall be filled by some person appointed by Her Majesty, or until such arbitrator shall resume the duties of his said office; and in case of the death, sickness, absence on leave, or other legal impediment of the British arbitrator in the Mixed Court of justice established by virtue of the said Treaty within the possessions of the United States of America, or in case of his assuming *ad interim* the duties of a judge of the said Mixed Court as aforesaid, the office of such British arbitrator shall be filled *ad interim* successively by the British Consul and British Vice-Consul resident in such possession; and in case of such vacancy of the offices both of such British judge and British arbitrator, then that such office of judge shall be filled by the British Consul and such office of British arbitrator by the British Vice-Consul; and in case there shall be no British Consul or Vice-Consul at such place, then it shall be lawful for The United States' arbitrator to act in all those cases in which a British arbitrator, if there were any, would be required to act; and in case of such vacancy in the offices both of British judge and British arbitrator, and there should be neither a British Consul nor British Vice-Consul resident at such place, then it shall be lawful for The United States' judge and United States' arbitrator of such court to sit in such court, and in all cases brought before them for adjudication to adjudge the same, and pass sentence accordingly, until the said offices shall respectively be thereafter filled by some person or persons appointed by Her Majesty, or until the said British judge and British arbitrator shall resume the duties of their said offices respectively.

VI. In case of the death, sickness, absence on leave, or any other legal impediment of any such United States' judge of the said Court established by virtue of the said Treaty within the territories of The United States, the place of such United States' judge shall be filled by The United States' arbitrator *ad interim* until the office shall be thereafter filled by some person appointed by the said United States, or until such judge shall resume the duties of his said office; and in

case of the death, sickness, absence on leave of the said United States' arbitrator of such court, or in case of his assuming *ad interim* the duties of The United States' judge of the said court as aforesaid, the place of such arbitrator shall be filled by the said judge of The United States for the Southern district of New York; and it shall be lawful for the said court so constituted as aforesaid to act, and in all cases brought before them for adjudication to adjudge the same, and pass sentence accordingly.

VII. In case of the death, sickness, absence on leave, or any other legal impediment of any such United States' judge of any of the courts established by virtue of the said Treaty which shall sit within the possession of Her Majesty, the place of such United States' judge shall be filled by The United States' arbitrator; and in case of the death, sickness, absence on leave, or other legal impediment of The United States' arbitrator, or in case his assuming *ad interim* the duties of The United States' judge of the said Mixed Court, the office of such United States' arbitrator shall be filled by The United States' Consul, or in the unavoidable absence of the Consul by The United States' Vice-Consul; and in case the vacancy be both of The United States' judge and United States' arbitrator, then the vacancy of The United States' judge shall be filled by The United States' Consul, and that of the United States' arbitrator by The United States' Vice-Consul; and if there be no United States' Consul or Vice-Consul to fill the place of The United States' arbitrator, then it shall be lawful for the British arbitrator to act in all those cases in which The United States' arbitrator would be required to act; and in case the vacancy be both of The United States' judge and of The United States' arbitrator, and there be neither United States' Consul nor Vice-Consul to fill *ad interim* the vacancies, then it shall be lawful for the British judge and the British arbitrator to sit in such court; and in all cases brought before them for adjudication it shall be lawful for such court so constituted to adjudge the same, and pass sentence accordingly, until the said offices shall respectively be thereafter filled by some person or persons appointed by The United States, or until the said United States' judge and United States' arbitrator shall resume the duties of their said offices respectively.

VIII. Every such judge and arbitrator so appointed by Her Majesty, before he shall enter upon the execution of any of the duties of such his office, shall take an oath in presence of the principal magistrate then residing and acting in the colony, settlement, or place in which the Mixed Court shall be established, whether belonging to Her Majesty or to the United States of America; which oath any such magistrate shall be authorized to administer in the form following (that is to say):



" I, *A. B.*, do solemnly swear, that I will, according to the best of my skill and knowledge, act in the execution of my office as faithfully, impartially, fairly, and without preference or favour, either for claimants or captors or any other persons, and that I will to the best of my judgment and power act in pursuance of and according to the stipulations, regulations, and instructions contained in the Treaty between Her Majesty and the United States of America, signed at Washington on the 7th day of June, 1862."\*

And every secretary or registrar appointed by Her Majesty under the provisions of the said Treaty and of this Act, before he enters on the duties of his said office, shall take an oath before one of the judges of the said Mixed Courts, who shall be empowered to administer the same in the form following (that is to say) :

" I, *A. B.*, do solemnly swear, that I will, according to the best of my skill and knowledge, act in the execution of my office, and that I will conduct myself with respect to the authority of the judges and arbitrators of the court to which I am attached, and will act with fidelity in all the affairs which may belong to my charge, and without preference or favour, either for claimants or captors or any other persons."

IX. It shall be lawful for the said judges or arbitrators, or either of them, or for any such secretary or registrar, to administer oaths to and take the depositions of all parties, witnesses, and other persons who may come or be brought before them to be examined, or for the purpose of deposing in the course of any proceeding before the said judges or arbitrators under the said Treaty and this Act ; and it shall also be lawful for the said judges and arbitrators to summon before them all persons whom they may deem it necessary or proper to examine in relation to any proceeding under their cognizance, and to send for and issue precepts for the producing all such papers as may relate to the matters in question before them, and to enforce all such summonses, orders, and precepts by such and the like means, powers, and authorities as any Court of Vice-Admiralty may do.

X. Every person who shall wilfully and corruptly give false evidence in any examination or deposition had or affidavit taken in any proceeding before the judges or arbitrators aforesaid under the said Treaty or this Act shall be deemed guilty of perjury, and being thereof convicted shall be subject and liable to all the pains and penalties to which persons convicted of wilful and corrupt perjury are liable ; and every such person may be tried for any such perjury either in the place where the offence was committed or in any colony or settlement of Her Majesty near thereto in which there is

\* Should have been 7th day of April. Error corrected by subsequent Act.  
See Page 464.

a court of competent jurisdiction to try any such offence, or in Her Majesty's Court of Queen's Bench in England ; and in case of any prosecution for such offence in Her Majesty's said Court of Queen's Bench the venue may be laid in the county of Middlesex.

XI. The pendency of any suit or proceeding instituted before the said judges or arbitrators for the condemnation or restitution of any ship or cargo of slaves taken, seized or detained by virtue of the said Treaty, or the final adjudication, condemnation, or judgment or determination thereupon, may be pleaded in bar or given in evidence under the general issue, and shall be deemed in any court whatever to be a complete bar in any action, suit, or proceeding instituted by any person or persons for the recovery of any such ship, vessel, or cargo, or of any damage or for any injury sustained in consequence of any capture, seizure, or detention, or anything done in pursuance of the provisions of the said Treaty.

XII. If any of the particulars specified in Article VI of the said Treaty shall be found in the outfit and equipment of or on board of any such merchant vessel wholly or in part owned by subjects of Her Majesty, and visited and detained in pursuance of the said Treaty, such vessel, unless proof be given to the contrary shall be taken to have been engaged in the Slave Trade, or to have been fitted out for the purpose of such traffic, and to be equipped and employed for the purposes declared unlawful by an Act of Parliament passed in the 5th year of the reign of His Majesty King George IV, [c. 113,]\* intituled " An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade."

XIII. Immediately after sentence of condemnation upon a vessel charged with being concerned in illegal Slave Trade shall have been passed by the Mixed Court of Justice established under the said Treaty, all negroes or others who were on board for the purpose of being consigned to slavery shall be delivered over to the Government to whom belongs the cruizer which made the capture.

XIV. Any ship or vessel which shall be condemned under any such authority as aforesaid may be taken into Her Majesty's service, upon payment of such sum as the Lord High Admiral or the Lords Commissioners of the Admiralty shall deem a proper price for the same, or if not so taken shall be broken up and demolished, and the materials thereof shall be publicly sold in separate parts, and the proceeds thereof, and of the goods, wares, and merchandize laden therein, shall be paid to such person or persons as the Commissioners of Her Majesty's Treasury may appoint to receive the same.

XV. Where any ship or vessel employed or engaged in illicit traffic in slaves, in violation of the said Treaty, shall be seized by any ship or vessel belonging to Her Majesty duly authorized to

make such seizure under the provisions of the said Treaty, and shall be afterwards condemned by any of the Commissioners appointed in virtue of the said Treaty, there shall be paid to the captors the portion to which Her Majesty is entitled, such portion to be distributed in the manner hereinafter directed for the distribution of bounties on slaves taken on board the said vessels.

XVI. For the purpose of giving effect to Article IX of the said Treaty, it shall be lawful for one of Her Majesty's Principal Secretaries of State, with respect to persons being within the United Kingdom of Great Britain and Ireland, and for the Governor, Lieutenant Governor, or principal magistrate of any other part of Her Majesty's dominions, with respect to persons being within such other part of Her Majesty's dominions, if he shall think fit, by order in writing under his hand, to direct that the captain, master, pilot, or any of the crew of any vessel which shall have been so condemned as mentioned in the said Article IX, or any other person found on board such vessel at the time of capture, shall be forthwith conveyed within the jurisdiction of the nation under whose flag such vessel so condemned as aforesaid was sailing at the time of capture, or to which such vessel may belong; and when any such order shall have been made as aforesaid, it shall be lawful to arrest and detain within any part of Her Majesty's dominions any person in respect of whom any such order shall have been made as aforesaid; and it shall be lawful for any judge, justice of the peace, headborough, peace officer, constable, or other person having the like authority, to cause to be arrested and detained, and to arrest and detain, for the purpose of being conveyed within the proper jurisdiction, any person in respect of whom such order shall have been made as aforesaid, as fully and effectually as if such person had committed a felony within the jurisdiction where such person may be.

XVII. When any such order shall have been made, such Secretary of State, Governor, Lieutenant Governor, or other principal magistrate making such order shall be empowered to take all such measures as to him shall seem requisite and expedient for the purpose of securing the attendance of witnesses and the production of proofs necessary to establish the guilt of the person or persons with respect to whom such order shall have been made before the court or judge having the proper jurisdiction in that behalf.

XVIII. There shall be paid to the commanders, officers, and crews of Her Majesty's ships authorized to make seizures under the said Treaty a bounty of 5*l* for every man, woman and child slave seized and found on board a British or American ship or vessel taken and condemned in pursuance of the provisions of the said Treaty and of this Act, such bounty to be distributed to and amongst the captors aforesaid in such manner and proportions as Her Majesty shall think

fit to order by any Order in Council, or by any proclamation to be made for that purpose.

XIX. Where any ship or vessel which shall have been seized and condemned under the provisions of the Treaty aforesaid shall have been or shall be demolished, and the materials thereof publicly sold in separate parts, as well as her cargo, there shall be paid to the commanders, officers, and crews of Her Majesty's ships authorized to make and making such seizures, in addition to the amount which may be payable in respect of Her Majesty's portion of the proceeds of such sale, as hereinbefore mentioned, a further bounty on the tonnage of such ship or vessel at the rate of 30s. for every ton of such tonnage.

XX. Where any ship or vessel having no slaves on board shall have been seized and condemned under the provisions of the said Treaty, there shall be paid to the commanders, officers, and crews of Her Majesty's ships authorized to make and making such seizure an additional bounty upon the tonnage of such ship or vessel at the rate of 4*l.* for every ton, and the tonnage of all such vessels shall be ascertained according to the mode of ascertaining the admeasurement of British vessels, either by the principal officer of the Customs at the port where the vessel may be at the time of condemnation, or in default thereof by the best evidence which can be obtained, to be certified by the Commissioners by whom such condemnation shall be pronounced: Provided always, that in every case in which any ship or vessel shall be seized with slaves on board in which the bounty calculated upon the number of slaves shall be less than the bounty calculated upon the tonnage, the commanders of Her Majesty's ships making the seizure may elect to take the bounty calculated according to tonnage, instead of the bounty which would be payable upon the number of slaves on board.

XXI. All bounties payable under this Act shall be paid out of any moneys that may be provided by Parliament for that purpose to the commanders, officers, and crews of Her Majesty's ships authorized to make such seizures under the provisions of any such Treaty or Convention, and such bounties shall be issued and paid by order from the Commissioners of Her Majesty's Treasury.

XXII. The said bounty, as also all bounties payable under any of the Acts for the abolition or suppression of the Slave Trade, shall not hereafter be charged with treasury fees or exchequer fees of any description.

XXIII. In order to entitle the captors to receive the said bounty money, the tonnage of the ship or vessel so seized and condemned shall be proved to the Commissioners of Her Majesty's treasury by producing a copy duly certified of the sentence or decree of condemnation, or by such documentary or other evidence as they may deem satisfactory.

XXIV. In order to entitle the captors to receive the said bounty money, the number of men, women, and children so taken, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a copy, duly certified, of the sentence or decree of condemnation, and also a certificate under the hand of the proper officer or officers, military or civil, who may be appointed to receive such shares.

XXV. Where any slaves or persons treated as slaves shall be seized on board any British or American ship or vessel taken and condemned in pursuance of the said Treaty and of this Act, but who shall not have been delivered over in consequence of death, sickness, or other inevitable circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, to direct the payment of one moiety of the bounty which would have been due in each case respectively if the said slaves had been delivered over.

XXVI. Any party or parties claiming any benefit by way of bounty under the provisions of this Act, or of the share of the proceeds of any British or American vessel confiscated in pursuance of the provisions of the aforesaid Treaty, may resort to the High Court of Admiralty for the purpose of obtaining the judgment of the said Court in that behalf, and it shall be lawful for the judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any question of joint capture which may arise upon any seizure made in pursuance of this Act, and also to enforce any decrees or sentences of the said Vice-Admiralty Courts relating to any such seizure.

XXVII. All the provisions, rules, regulations, forfeitures, and penalties respecting the delivery by prize agents of accounts for examination, and the distribution of prize money, and the accounting for and paying over the proceeds of prize, and the percentage due thereon to Greenwich Hospital, shall be extended to all the bounties and proceeds to be distributed under the provisions of this Act to the officers and crew of any of Her Majesty's ships and vessels of war.

XXVIII. Where any ship or vessel belonging in whole or in part to subjects of Her Majesty or of the United States of America shall have been detained and brought to adjudication by any officers of Her Majesty the Queen of Great Britain and Ireland, and the said ship shall be restored by sentence of the Mixed Court, as is mentioned in Article V of the Annex (B) to the said Treaty, it shall be lawful for the Commissioners of Her Majesty's Treasury to direct payment to be made out of any moneys that may be provided by Parliament as aforesaid of any costs or damages which may be duly awarded according to the provisions of the said last-mentioned Article: Provided always, that nothing herein contained shall exempt

such officer from his liability to make good the payments so made when lawfully called upon by order of the said Commissioners of Her Majesty's Treasury.

XXIX. When any seizure shall be made by any of the commanders, officers, and crews of Her Majesty's ships authorized to make such seizures under the aforesaid Treaty, and judgment shall be given against the seizer, or when such seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, to direct payment to be made out of any moneys that may be provided by Parliament as aforesaid of such costs and expenses as the seizer may have incurred in respect of such seizure or any proportionate part thereof.

XXX. If any of the things specified in Article VI of the said Treaty shall be found on board any vessel which shall be detained and brought before the said Mixed Court of Justice, neither the master nor the owner, nor any persons whatsoever interested in the equipment or cargo of the vessel, shall recover any compensation or damages for such detention, although the said Commissioner should not pronounce any sentence of condemnation.

XXXI. The right of search and detention by Article I of the said Treaty conferred shall be exercised only within the distance of 200 miles from the coast of Africa, and to the southward of the 32nd parallel of north latitude, and within 30 leagues of the coast of the Island of Cuba.

XXXII. It shall not be lawful for vessels of war of either of the said two nations to exercise such right of search within the limits of a settlement or port or within the territorial waters of the other nation.

XXXIII. If any action or suit shall be commenced in Great Britain or elsewhere against any person or persons for anything done in pursuance of the said Treaty or of this Act, in as far as it relates thereto, the defendant or defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance of and by the authority of the said Treaty or of this Act, and if it shall appear so to have been done the jury shall find for the defendant or the defendants, and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

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*ACT of the British Parliament, "for rectifying a Clerical Error in the present Session, Chapter Forty, with respect to the African Slave Trade Treaty," of April 7, 1862.*

[25 & 26 Vict. cap. 90.]

[August 7, 1862.]

WHEREAS in the Act of the present session of Parliament, chapter 40,\* intituled "An Act to carry into effect the Treaty between Her Majesty and the United States of America for the Suppression of the African Slave Trade," it is accurately recited that it was the 7th day of April in the year of our Lord 1862, that the Treaty to which the Act relates was signed at Washington: but in the form (given in the 8th section of the Act) of the oath to be taken by judges and arbitrators to be appointed by Her Majesty for the purposes of the Treaty, reference is made to the Treaty as having been signed at Washington on the 7th day of June 1862, the word "June" being given (by clerical error) for the word "April," and it is expedient that the error be rectified: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

ART. I. The oath which, in accordance with the 8th section of the recited Act,† is to be taken by every judge and arbitrator referred to in that section, shall not be in the form which is given in that section, but shall be in the form following; that is to say,

"I, *A. B.*, do solemnly swear that I will, according to the best of my skill and knowledge, act in the execution of my office of \_\_\_\_\_ faithfully, impartially, fairly, and without prejudice or disfavour, either for or against claimants or captors, or any other persons; and that I will, to the best of my judgment and power, act in pursuance of and according to the stipulations, regulations, and instructions contained in the Treaty between Her Majesty and the United States of America, signed at Washington on the 7th day of April, 1862."

II. The recited Act, as from the time of the passing thereof into a law, shall be read and have effect as if the oath which, in accordance with the 8th section of that Act is to be taken by judges and arbitrators were an oath not in the form which is given in that behalf in that section, but in the form which is given in that behalf in this Act, and the recited Act and this Act shall accordingly be read and have effect as if they were one Act.

III. The recited Act and this Act may for all purposes be cited as follows; (that is to say,) the recited Act as the "African Slave Trade Treaty Act (No. 1.), 1862," this Act as the "African



Slave Trade Treaty Act (No. 2), 1862," and the recited Act and this Act together as the "African Slave Trade Treaty Acts (Nos. 1 and 2), 1862."

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*ACT of the British Parliament, "for amending the Law relating to Copyright in Works of the Fine Arts, and for repressing the Commission of Fraud in the Production and Sale of such Works."*

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[25 & 26 Vict. cap. 68.]

[July 29, 1862.]

WHEREAS by law, as now established, the authors of paintings, drawings, and photographs have no copyright in such their works, and it is expedient that the law should in that respect be amended: be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. The author, being a British subject or resident within the dominions of the Crown, of every original painting, drawing, and photograph which shall be or shall have been made either in the British dominions or elsewhere, and which shall not have been sold or disposed of before the commencement of this Act, and his assigns, shall have the sole and exclusive right of copying, engraving, reproducing, and multiplying such painting or drawing, and the design thereof, or such photograph, and the negative thereof, by any means and of any size, for the term of the natural life of such author, and 7 years after his death; provided that when any painting or drawing, or the negative of any photograph, shall for the first time after the passing of this Act be sold or disposed of, or shall be made or executed for or on behalf of any other person for a good or a valuable consideration, the person so selling or disposing of or making or executing the same shall not retain the copyright thereof, unless it be expressly reserved to him by agreement in writing, signed, at or before the time of such sale or disposition, by the vendee or assignee of such painting or drawing, or of such negative of a photograph, or by the person for or on whose behalf the same shall be so made, or executed, but the copyright shall belong to the vendee or assignee of such painting or drawing, or of such negative of a photograph, or to the person for or on whose behalf the same shall have been made or executed; nor shall the vendee or assignee thereof be entitled to any such copyright, unless, at or before the time of such sale or disposition, an agreement in writing, signed by the person so selling or disposing of the same, or by his agent duly authorized, shall have been made to that effect.

II. Nothing herein contained shall prejudice the right of any person to copy or use any work in which there shall be no copyright, or to represent any scene or object, notwithstanding that there may be copyright in some representation of such scene or object.

III. All copyright under this Act shall be deemed personal or movable estate, and shall be assignable at law, and every assignment thereof, and every licence to use or copy by any means or process the design or work which shall be the subject of such copyright, shall be made by some note or memorandum in writing, to be signed by the proprietor of the copyright, or by his agent appointed for that purpose in writing.

IV. There shall be kept at the Hall of the Stationers' Company, by the officer appointed by the said Company for the purposes of the Act passed in the 6th year of Her present Majesty [cap. 45\*], intitled "An Act to amend the Law of Copyright," a Book or Books, entitled the Register of Proprietors of Copyright in Paintings, Drawings, and Photographs, wherein shall be entered a memorandum of every copyright to which any person shall be entitled under this Act, and also of every subsequent assignment of any such copyright; and such memorandum shall contain a statement of the date of such agreement or assignment, and of the names of the parties thereto, and of the name and place of abode of the person in whom such copyright shall be vested by virtue thereof, and of the name and place of abode of the author of the work in which there shall be such copyright, together with a short description of the nature and subject of such work, and in addition thereto, if the person registering shall so desire, a sketch, outline, or photograph of the said work, and no proprietor of any such copyright shall be entitled to the benefit of this Act until such registration, and no action shall be sustainable nor any penalty be recoverable in respect of anything done before registration.

V. The several enactments in the said Act of the 6th year of Her present Majesty contained, with relation to keeping the register book thereby required, and the inspection thereof, the searches therein, and the delivery of certified and stamped copies thereof, the reception of such copies in evidence, the making of false entries in the said book, and the production in evidence of papers falsely purporting to be copies of entries in the said book, the application to the courts and judges by persons aggrieved by entries in the said book, and the expunging and varying such entries, shall apply to the book or books to be kept by virtue of this Act, and to the entries and assignments of copyright and proprietorship therein under this Act, in such and the same manner as if such enactments were here expressly enacted in relation thereto, save and except that the forms

of entry prescribed by the said Act of the 6th year of Her present Majesty and may be varied to meet the circumstances of the case and that the sum to be demanded by the officer of the said Company of Stationers for making any entry required by this Act shall be 1s. only.

VI. If the author of any painting, drawing, or photograph in which there shall be subsisting copyright, after having sold or disposed of such copyright, or if any other person, not being the proprietor for the time being of copyright in any painting, drawing, or photograph, shall, without the consent of such proprietor, repeat, copy, colourably imitate, or otherwise multiply for sale, hire, exhibition, or distribution, or cause or procure to be repeated, copied, colourably imitated, or otherwise multiplied for sale, hire, exhibition, or distribution, any such work or the design thereof, or, knowing that any such repetition, copy, or other imitation has been unlawfully made, shall import into any part of the United Kingdom, or sell, publish, let to hire, exhibit, or distribute, or offer for sale, hire, exhibition, or distribution, or cause or procure to be imported, sold, published, let to hire, distributed, or offered for sale, hire, exhibition, or distribution, any repetition, copy, or imitation of the said work, or of the design thereof, made without such consent as aforesaid, such person for every such offence shall forfeit to the proprietor of the copyright for the time being a sum not exceeding 10l.; and all such repetitions, copies, and imitations made without such consent as aforesaid, and all negatives of photographs made for the purpose of obtaining such copies, shall be forfeited to the proprietor of the copyright.

VII. No person shall do or cause to be done any or either of the following acts; that is to say,

1st. No person shall fraudulently sign or otherwise affix, or fraudently cause to be signed or otherwise affixed, to or upon any painting, drawing, photograph, or the negative thereof, any name, initials, or monogram:

2ndly. No person shall fraudulently sell, publish, exhibit, or dispose of, or offer for sale, exhibition, or distribution, any painting, drawing, or photograph, or negative of a photograph, having thereon the name, initials, or monogram of a person who did not execute or make such work:

3rdly. No person shall fraudulently utter, dispose of, or put off, or cause to be uttered or disposed of, any copy or colourable imitation of any painting, drawing, or photograph, or negative of a photograph, whether there shall be subsisting copyright therein or not as having been made or executed by the author or maker of the original work from which such copy or imitation shall have been taken:

Fourthly. Where the author or maker of any painting, drawing,

or photograph, or negative of a photograph, made either before or after the passing of this Act, shall have sold or otherwise parted with the possession of such work, if any alteration shall afterwards be made therein by any other person, by addition or otherwise, no person shall be at liberty, during the life of the author or maker of such work, without his consent, to make or knowingly to sell or publish, or offer for sale, such work or any copies of such work so altered as aforesaid, or of any part thereof, as or for the unaltered work of such author or maker :

Every offender under this section shall, upon conviction, forfeit to the person aggrieved a sum not exceeding 10*l.* or not exceeding double the full price, if any, at which all such copies, engravings, imitations, or altered works shall have been sold or offered for sale ; and all such copies, engravings, imitations, or altered works shall be forfeited to the person, or the assigns or legal representatives of the person, whose name, initials, or monogram shall be so fraudulently signed or affixed thereto, or to whom such spurious or altered work shall be so fraudulently or falsely ascribed as aforesaid : provided always, that the penalties imposed by this section shall not be incurred unless the person whose name, initials, or monogram shall be so fraudulently signed or affixed, or to whom such spurious or altered work shall be so fraudulently or falsely ascribed as aforesaid, shall have been living at or within 20 years next before the time when the offence may have been committed.

V III. All pecuniary penalties which shall be incurred, and all such unlawful copies, imitations, and all other effects and things as shall have been forfeited by offenders, pursuant to this Act, and pursuant to any Act for the protection of copyright engravings, may be recovered by the person hereinbefore and in any such Act as aforesaid empowered to recover the same respectively, and hereinafter called the complainant or the complainer, as follows :

In England and Ireland, either by action against the party offending, or by summary proceeding before any two justices having jurisdiction where the party offending resides :

In Scotland, by action before the Court of Session in ordinary form, or by summary action before the sheriff of the county where the offence may be committed or the offender resides, who, upon proof of the offence or offences, either by confession of the party offending, or by the oath or affirmation of one or more credible witnesses, shall convict the offender, and find him liable to the penalty or penalties aforesaid, as also in expenses ; and it shall be lawful for the sheriff, in pronouncing such judgment for the penalty or penalties and costs, to insert in such judgment a warrant, in the event of such penalty or penalties and costs not being paid, to levy and recover the amount of the same by poinding : provided always,

that it shall be lawful to the sheriff, in the event of his dismissing the action and assoilzieing the defender, to find the complainer liable in expenses; and any judgment so to be pronounced by the sheriff in such summary application shall be final and conclusive, and not subject to review by advocacy, suspension, reduction or otherwise.

IX. In any action in any of Her Majesty's superior courts of record at Westminster and in Dublin, for the infringement of any such copyright as aforesaid, it shall be lawful for the court in which such action is pending, if the court be then sitting, or if the court be not sitting, then for a judge of such court, on the application of the plaintiff or defendant respectively, to make such order for an injunction, inspection, or account, and to give such direction respecting such action, injunction, inspection, and account, and the proceedings therein respectively, as to such court or judge may seem fit.

X. All repetitions, copies, or imitations of paintings, drawings, or photographs, wherein or in the design whereof there shall be subsisting copyright under this Act, and all repetitions, copies, and imitations of the design of any such painting or drawing, or of the negative of any such photograph, which, contrary to the provisions of this Act, shall have been made in any foreign State or in any part of the British dominions, are hereby absolutely prohibited to be imported into any part of the United Kingdom, except by or with the consent of the proprietor of the copyright thereof, or his agent authorized in writing; and if the proprietor of any such copyright, or his agent, shall declare that any goods imported are repetitions, copies, or imitations of any such painting, drawing, or photograph, or of the negative of any such photograph, and so prohibited as aforesaid, then such goods may be detained by the officers of Her Majesty's Customs.

XI. If the author of any painting, drawing, or photograph, in which there shall be subsisting copyright, after having sold or otherwise disposed of such copyright, or if any other person, not being the proprietor for the time being of such copyright, shall, without the consent of such proprietor, repeat, copy, colourably imitate, or otherwise multiply, or cause or procure to be repeated, copied, colourably imitated, or otherwise multiplied for sale, hire, exhibition or distribution, any such work or the design thereof, or the negative of any such photograph, or shall import or cause to be imported into any part of the United Kingdom, or sell, publish, let to hire, exhibit or distribute, or offer for sale, hire, exhibition or distribution, or cause or procure to be sold, published, let to hire, exhibited, or distributed, or offered for sale, hire, exhibition, or distribution, any repetition, copy, or imitation of such work, or the design thereof,

or the negative of any such photograph, made without such consent as aforesaid, then every such proprietor, in addition to the remedies hereby given for the recovery of any such penalties, and forfeiture of any such things as aforesaid, may recover damages by and in a special action on the case, to be brought against the person so offending, and may in such action recover and enforce the delivery to him of all unlawful repetitions, copies and imitations, and negatives of photographs, or may recover damages for the retention and conversion thereof: provided that nothing herein contained, nor any proceeding, conviction, or judgment for any Act hereby forbidden, shall affect any remedy which any person aggrieved by such Act may be entitled to either at law or in equity.

XII. This Act shall be considered as including the provisions of the Act passed in the session of Parliament held in the 7th and 8th years of her present Majesty [cap. 12\*], intituled "An Act to amend the Law relating to International Copyright," in the same manner as if such provisions were part of this Act.

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*ACT of the British Parliament, for giving effect to the Convention between Her Majesty and the King of Denmark, of April 15, 1862,† for the mutual Surrender of Criminals.*

[25 & 26 Vict. cap. 70.]

[July 29, 1862.]

WHEREAS a Convention between Her Majesty and the King of Denmark for the mutual surrender of Criminals, in the words and figures set forth in the schedule hereto, was signed at London on the 15th day of April, 1862,† and the ratifications thereof were exchanged at London on the 27th day of May, 1862: and whereas it is expedient that provision should be made for carrying the said Convention into effect: be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. The term "magistrate" in this Act shall mean a justice of the peace or any other person or court in the United Kingdom, the Channel Islands, or any other part of Her Majesty's dominions, having power to commit for trial persons accused of crimes against the law of that part of Her Majesty's dominions in which any offender liable to be delivered up under this Act is found.

II. Where requisition has been made pursuant to the said Convention, in the name of His Majesty the King of Denmark by his

\* Vol. XXXIV. Page 1128.

† Page 27.

Ambassador or other accredited diplomatic agent, to deliver up to justice any person, who, being accused or convicted of any crime for which such person is liable to be delivered up in pursuance of the said Convention, is found within the dominions of Her Majesty, it shall be lawful for one of Her Majesty's Principal Secretaries of State, by warrant under his hand and seal, to signify that such requisition has been made, and to require all magistrates within their several jurisdictions to govern themselves accordingly, and to aid in apprehending the person so accused or convicted, hereinafter referred to as the fugitive, and in committing him to gaol for the purpose of his being delivered up to justice according to the provisions of the said Convention :

Upon the issue of any such warrant as aforesaid, it shall be lawful for any magistrate acting within the limits of his jurisdiction, to issue his warrant for the apprehension of the said fugitive, and to commit him to gaol, there to remain until delivered up pursuant to such requisition as aforesaid ; provided that the following conditions are complied with before the warrant is issued by the magistrate :

1stly. That in the case of a fugitive accused of crime it is proved to the satisfaction of the magistrate, upon oath or by affidavit, that the party applying to him for a warrant is the bearer of a warrant of arrest or other equivalent judicial document for the arrest of the said fugitive issued by a judge or magistrate duly authorized to take cognizance of the acts charged against the fugitive in Denmark, and clearly setting forth, in the opinion of the magistrate to whom the application for a warrant under this Act is made, the acts in respect of which the original warrant was issued ;

2ndly. That in the case of a person accused such evidence is produced to the magistrate as, according to the laws of the part of Her Majesty's dominions in which the magistrate is acting, would in his opinion justify the apprehension and committal for trial of the fugitive if the crime of which he is accused had been there committed, with this qualification, that depositions or statements on oath, certified under the hand of the magistrate by whom the original warrant was issued and attested by the oath of the party producing them to be the original depositions or statements, or true copies thereof, may be received in evidence of the criminality of the fugitive apprehended ;

3rdly. That in the case of a fugitive convicted of crime an authenticated copy of the conviction is produced and proof of the identity of the person convicted is given to the satisfaction of the magistrate ;

Where any person liable to be delivered up in pursuance of the said Convention is found in Ireland, a warrant under the hand of the Chief Secretary or of the Lord Lieutenant of Ireland shall for



the purposes of this Act be equivalent to a warrant of one of Her Majesty's Principal Secretaries of State;

A magistrate may administer an oath for any of the purposes of this Act;

The warrant of any police magistrate of the metropolis issued in pursuance of this Act may be executed in any part of England in the same manner as if the same had been originally issued or subsequently endorsed by a justice of the peace having jurisdiction in the place where the same is executed.

III. Where any such fugitive as aforesaid has fled from a colony or possession of the King of Denmark and is found in a colony or possession of Her Majesty, the requisition hereinbefore required to be made in the name of His Majesty the King of Denmark by his Ambassador or other accredited agent, may be made directly by the Governor of the first-mentioned colony or possession to the Governor of the other colony or possession, subject to this proviso, that the Governor upon whom the requisition may be made shall be at liberty either to grant the surrender or to refer the matter to his Government, and any warrant issued by the Governor upon whom such requisition is made shall have in such colony or possession the same effect as a warrant issued in pursuance of this Act by one of Her Majesty's Principal Secretaries of State has in England.

IV. It shall be lawful for one of Her Majesty's Principal Secretaries of State, or in the case of any person committed in Ireland for the Chief Secretary of the Lord Lieutenant of Ireland, and in the case of any person committed in any of Her Majesty's colonies or possessions abroad for the officer administering the Government of any such colony or possession, by warrant under his hand and seal to order any fugitive committed in pursuance of this Act to be delivered up to such person or persons as may be duly authorized in the name of the said King of Denmark to receive the person so committed, and convey him to the dominions of the King of Denmark, and such fugitive shall be delivered up accordingly; and it shall be lawful for the person or persons authorized as aforesaid to receive, hold in custody, and take to the dominions of the King of Denmark the fugitive so delivered to him; and if the said fugitive escape out of any custody to which he may be delivered as aforesaid, it shall be lawful to retake him, in the same manner as any person accused of any crime against the laws of that part of Her Majesty's dominions to which he escapes may be retaken upon an escape.

V. Where any fugitive who has been committed under this Act, to remain until delivered up pursuant to requisition as aforesaid, is not delivered up pursuant thereto, and conveyed out of Her Majesty's dominions, within two calendar months after such committal, it shall be lawful for any of Her Majesty's judges in that part of Her

Majesty's dominions in which such fugitive is in custody, upon application made to him by or on behalf of the person so committed, and upon proof that reasonable notice of the intention to make such application has been given to some or one of Her Majesty's Principal Secretaries of State in Great Britain, or in Ireland to the Chief Secretary of the Lord Lieutenant of Ireland, and in any of Her Majesty's colonies or possessions abroad to the officer administering the Government of any such colony or possession, to order the person so committed to be discharged out of custody, unless sufficient cause is shown to such judge why the prisoner should not be discharged.

VI. If, by any law or ordinance to be hereafter made by the local legislature of any British colony or possession abroad, provision may be made for carrying into complete effect within such colony or possession the objects of this Act by the substitution of some other enactment in lieu thereof, it shall be competent to Her Majesty, with the advice of her Privy Council (if to Her Majesty in Council it seem meet, but not otherwise), to suspend the operation within any such colony or possession of this Act so long as such substituted enactment continues in force there, and no longer.

VII. This Act shall continue in force during the continuance of the said Convention.

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*BRITISH ORDER IN COUNCIL, for enforcing the Rules, Orders, &c., of the Joint Commission for regulating the Navigation of the Danube.\*—January 6, 1862.*

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At the Court at Osborne House, Isle of Wight, the 6th day of January, 1862.

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

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WHEREAS by an Act of Parliament, passed in the session of Parliament holden in the 6th and 7th years of Her Majesty's reign [cap. 94],† intituled "An Act to remove doubts as to the exercise of power and jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions, and to render the same more effectual," it is amongst other things enacted, that it shall be lawful for Her Majesty to hold, exercise, and enjoy any power or jurisdiction which Her Majesty now hath, or may at any time here-

\* "London Gazette" of January 7, 1862.

† Vol. XXXI. Page 984.

after have, within any country or place out of Her Majesty's dominions, in the same and as ample a manner as if Her Majesty had acquired such power or jurisdiction by the cession or conquest of territory.

And whereas Her Majesty hath power and jurisdiction in the islands included between the different branches of the River Danube at its mouth, and forming, and commonly designated as, the Delta of the Danube, which by the Treaty between Her Majesty, His Imperial Majesty the Emperor of Austria, His Imperial Majesty the Emperor of the French, His late Majesty the King of Prussia, His Imperial Majesty the Emperor of All the Russias, His Majesty the King of Sardinia, and His Imperial Majesty the Sultan, signed at Paris on the 19th day of June, 1857,\* were replaced under the immediate sovereignty of the Sublime Ottoman Porte.

And whereas it is expedient to provide for the efficient exercise of the said power and jurisdiction, for the purposes hereinafter mentioned, in like manner as the same have been customarily and of right exercised on behalf of Her Majesty by Her Majesty's Ambassadors, Ministers, Consuls, and other officers within the dominions of the Sublime Ottoman Porte.

And whereas by Article XV of the General Treaty of Peace between Her Majesty, His Imperial Majesty the Emperor of Austria, His Imperial Majesty the Emperor of the French, His late Majesty the King of Prussia, His Imperial Majesty the Emperor of All the Russias, His Majesty the King of Sardinia, and His Imperial Majesty the Sultan, signed at Paris on the 30th day of March, 1856,\* it was provided as follows: "The Act of the Congress of Vienna having established the principles intended to regulate the navigation of rivers which separate or traverse different States, the Contracting Powers stipulate among themselves that those principles shall in future be equally applied to the Danube and its mouths. They declare that this arrangement henceforth forms a part of the public law of Europe, and take it under their guarantee."

"The navigation of the Danube cannot be subjected to any impediment or charge not expressly provided for by the stipulations contained in the following Articles: in consequence, there shall not be levied any toll founded solely upon the fact of the navigation of the river, nor any duty upon the goods which may be on board of vessels. The regulations of police and of quarantine to be established for the safety of the States separated or traversed by that river, shall be so framed as to facilitate as much as possible the passage of vessels. With the exception of such regulations, no obstacle whatever shall be opposed to free navigation.

\* Vol. XLVII. Page 60.

† Vol. XLVI. Page 8.

“ And whereas by Article XVI of the said last-mentioned Treaty it was further provided as follows: “ With the view of carrying out the arrangements of the preceding Article, a Commission, in which Great Britain, Austria, France, Prussia, Russia, Sardinia, and Turkey, shall each be represented by one delegate, shall be charged to designate and to cause to be executed the works necessary below Isatcha to clear the mouths of the Danube, as well as the neighbouring parts of the sea, from the sands and other impediments which obstruct them, in order to put that part of the river and the said parts of the sea in the best possible state for navigation.

“ In order to cover the expenses of such works, as well as of the establishments intended to secure and to facilitate the navigation at the mouths of the Danube, fixed duties of a suitable rate settled by the Commission by a majority of votes may be levied, on the express condition that in this respect, as in every other, the flags of all the nations shall be treated on the footing of perfect equality.”

And whereas in the year 1857, by virtue of the said Articles of the said last-mentioned Treaty, a Commission was accordingly established for the purposes therein mentioned.

And whereas the said Commission, under the power and authorities given to it by the said Articles or otherwise, in and by the said last-mentioned Treaty, has from time to time made and promulgated certain rules, orders and regulations, and is authorized and empowered from time to time to make and promulgate further and other rules, orders, and regulations as well concerning the navigation of the said River Danube, and the conduct and government of masters, seamen, and others navigating the same, as concerning the payment of duties to be levied and taken in respect of the navigation of the said river, and the enforcing of penalties for the breach of such rules, orders and regulations respectively, or any of them.

And whereas it is expedient that power should be given to Her Majesty's Consuls, Vice-Consuls, and Consular Agents exercising jurisdiction over British subjects and Ionians within the dominions of the Sublime Ottoman Porte, to enforce the rules, orders, and regulations so made and to be made by the said Commission as aforesaid.

Now, therefore, in pursuance of the above-recited Act of Parliament, and in execution of the powers thereby vested in Her Majesty in Council, Her Majesty is pleased, by and with the advice of her Privy Council, to order and declare, and it is hereby ordered and declared as follows :

I. All rules, orders, and regulations so made and to be made by the said Commission as hereinbefore mentioned, shall from and after the date of these presents, or from and after the making of such

rules, orders, and regulations respectively, be binding and in force, and shall have the force and effect of law, upon and against all British subjects and Ionians and other persons subject to the jurisdiction of Her Majesty's Consuls, Vice-Consuls, and Consular Agents, within the dominions of the Sublime Ottoman Porte.

II For all the purposes mentioned in the said Articles XV and XVI of the said Treaty, and for the purpose of enforcing, so far as Her Majesty's subjects and such other persons as aforesaid are concerned, the provisions of the said Articles; and all rules, orders, and regulations made, or to be made, by the said Commission, under the powers and authorities given to them by the said Articles, or either of them, or otherwise in or by the said last-mentioned Treaty, and all acts, payments, matters, and things, which in and by such rules, orders, or regulations shall have been or shall be ordered under such powers or authorities as aforesaid, to be made, done, or performed or otherwise in relation thereto, the said Consuls, Vice-Consuls, and Consular Agents of Her Majesty, within the dominions of the Sublime Ottoman Porte, shall from and after the date of these presents have, possess, and enjoy, all and every the powers, jurisdiction, authorities, rights, privileges, and immunities which, in and by a certain Order in Council, bearing date the 27th day of August, 1860,\* are or is vested in, or belongs to, are or is exercisable by the Judge of the Supreme Consular Court of Constantinople, within the dominions of the Sublime Ottoman Porte. And all the clauses, Articles, and provisions of the said Order in Council, so far as the same respectively are now in force and unrepealed, and so far as the same or any of them are applicable to the purposes mentioned in the said Articles XV and XVI of the said last-mentioned Treaty, or any of them, or to such rules, orders or regulations as aforesaid, shall apply and extend to the said Consuls, Vice-Consuls, and Consular Agents of Her Majesty, and to all acts, matters, and things whatsoever done by, to, or in respect of them the said Consuls, Vice-Consuls, and Consular Agents respectively, under and by virtue of these presents.

And the Right Honourable Earl Russell, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

EDMUND HARRISON.

\* Vol. L. Page 658.

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**BRITISH ORDER IN COUNCIL, granting the privilege of Copyright in Great Britain, to the Authors of Works of Literature and the Fine Arts first published in Hesse Darmstadt.\*—February 5, 1862.**

At the Court at Osborne House, Isle of Wight, the 5th day of February, 1862.

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS under or by virtue of a Convention for the reciprocal protection of copyright, concluded between Her Majesty and His Majesty, the King of Prussia, on the 13th day of May, 1846†, and a Convention, additional thereto, concluded between Her Majesty and His Majesty, the King of Prussia, on the 14th day of June, 1855,‡ and an Act of accession to the said two Conventions of His Royal Highness the Grand Duke of Hesse, dated the 19th day of November, 1861,§ due protection has been secured within the dominions of His Royal Highness the Grand Duke of Hesse, for the authors of books, dramatic works, or musical compositions, and the inventors, designers, or engravers of prints and articles of sculpture, and the authors, inventors, designers, or engravers of any other works whatsoever, of literature and the fine arts, in which the laws of Great Britain, and of the Grand Duchy of Hesse, do now or may hereafter give their respective subjects the privilege of copyright, and for the lawful representatives or assigns of any such authors, inventors, designers, or engravers, with regard to any such works first published within the dominions of Her Majesty, and with regard to translations. Now, therefore, Her Majesty, by and with the advice and consent of Her Privy Council, and by virtue of the authority committed to Her, by an Act passed in the session of Parliament, holden in the 7th and 8th years of her reign [cap. 12],|| intituled “An Act to amend the law relating to International Copyright,” and by an Act passed in the session of Parliament, holden in the 15th and 16th years of Her Majesty's reign [cap. 12],¶ intituled “An Act to enable Her Majesty to carry into effect a Convention with France on the subject of Copyright, to explain and extend the International Copyright Acts, and to explain the Acts relating to Copyright in Engravings,” doth order, and it is hereby ordered, that on and after the 1st day of April, 1862, the authors, inventors, de-

\* “London Gazette” of February 7, 1862.

† Vol. XXXIV. Page 4.

‡ Vol. XLV. Page 11.

§ Page 519.

|| Vol. XXXIV. Page 1128.

¶ Vol. XLI. Page 675.

signers, engravers, and makers of any of the following works (that is to say), books, prints, articles of sculpture, dramatic works, musical compositions, and any other works of literature and the fine arts, in which the laws of Great Britain give to British subjects the privilege of copyright; and the executors, administrators, and assigns of such authors, inventors, designers, engravers, and makers respectively, shall, as respects works first published within the dominions of His Royal Highness the Grand Duke of Hesse, on and after the 1st day of April, 1862, have the privilege of copyright therein, for a period equal to the term of copyright which authors, inventors, designers, engravers, and makers of the like works respectively, first published in the United Kingdom, are by law entitled to, provided such books, dramatic pieces, musical compositions, prints, articles of sculpture, or other works of art, have been registered, and copies thereof have been delivered, according to the requirements of the said recited Acts, within 12 months after the first publication thereof, in any part of the dominions of His Royal Highness the Grand Duke of Hesse. And it is hereby further ordered, that the authors of dramatic pieces and musical compositions which shall, on or after the said 1st day of April, 1862, be first publicly represented or performed within the dominions of His Royal Highness the Grand Duke of Hesse, shall have the sole liberty of representing or performing in any part of the British dominions, such dramatic pieces or musical compositions, during a period equal to the period during which authors of dramatic pieces and musical compositions, first publicly represented or performed in the United Kingdom, are entitled by law to the sole liberty of representing or performing the same; provided such dramatic pieces or musical compositions have been registered, and copies thereof have been delivered, according to the requirements of the said recited Acts, within 12 calendar months after the time of their being first represented or performed in any part of the dominions of His Royal Highness the Grand Duke of Hesse. And it is hereby further ordered, that the authors of any works published, or of any dramatic pieces first publicly represented, within the dominions of His Royal Highness the Grand Duke of Hesse, on or after the 1st day of April, 1862, who may choose to reserve the right of translating such works or dramatic pieces, their executors, administrators, and assigns, shall, until the expiration of 5 years from the date of the first publication of the translations authorized by them respectively of such works, or from the time at which the translations authorized by them of such dramatic pieces are first published or publicly represented, be entitled, subject to the provisions mentioned in the said secondly recited Act, to prevent the publication in the British dominions of any translation of such works or dramatic pieces, and



the representation therein, of any translation of such dramatic pieces not so respectively authorized by them.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury are to give the necessary directions herein accordingly.

ARTHUR HELPS.

**BRITISH ORDER IN COUNCIL**, *empowering Her Majesty's Consuls in the Ottoman Dominions to exercise Power and Jurisdiction over British and Ionian Subjects, in carrying into effect the Rules, Orders, &c., of the Mixed Commission for regulating the Navigation of the Danube.\*—March 21, 1862.*

At the Court at Windsor, the 21st day of March, 1862.

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS Her Majesty, by Order in Council, bearing date the 6th day of January, 1862,† after reciting (amongst other things), that by virtue of the 15th and 16th Articles of the General Treaty of Peace between Her Majesty, His Imperial Majesty the Emperor of Austria, His Imperial Majesty the Emperor of the French, His late Majesty the King of Prussia, His Imperial Majesty the Emperor of All the Russias, His Majesty the King of Sardinia, and His Imperial Majesty the Sultan, signed at Paris, on the 30th day of March, 1856,‡ a Commission was, in the year 1857, established for the purposes therein mentioned, and that the said Commission under the power and authorities given to it by these said Articles or otherwise, in and by the said Treaty, had, from time to time, made and promulgated certain rules, orders, and regulations, and was authorized and empowered, from time to time, to make and promulgate further and other rules, orders, and regulations, as well concerning the navigation of the River Danube, and the conduct and government of masters, seamen, and others navigating the same, as concerning the payment of duties to be levied and taken in respect of the navigation of the said river, and the enforcing of penalties for the breach of such rules, orders, and regulations respectively, or any of them, Her Majesty was pleased, by and with

\* "London Gazette" of March 25, 1862.

† Page 473.

‡ Vol. XLVI. Page 8.

the advice of Her Privy Council, to order and declare as follows ; that is so say :

ART. I. All rules, orders, and regulations so made and to be made by the said Commission, as hereinbefore mentioned, shall, from and after the date of these presents, or from and after the making of such rules, orders, and regulations respectively, be binding and in force, and shall have the force and effect of law upon and against all British subjects and Ionians, and other persons subject to the jurisdiction of Her Majesty's Consuls, Vice-Consuls, and Consular Agents, within the dominions of the Sublime Ottoman Porte.

II. For all the purposes mentioned in said Articles XV and XVI of the said Treaty, and for the purpose of enforcing, so far as Her Majesty's subjects and such other persons as aforesaid are concerned, the provisions of the said Articles ; and all rules, orders, and regulations made, or to be made by the said Commission, under the powers and authorities given to them by the said Articles, or either of them, or otherwise in or by the said last mentioned Treaty ; and all acts, payments, matters, and things, which in and by such rules, orders, or regulations, shall have been or shall be ordered under such powers or authorities as aforesaid to be made, done, or performed, or otherwise in relation thereto, the said Consuls, Vice-Consuls, and Consular Agents of her Majesty within the dominions of the Sublime Ottoman Porte, shall, from and after the date of these presents, have, possess, and enjoy, all and every the powers, jurisdiction, authorities, rights, privileges, and immunities which, in and by a certain Order in Council, bearing date the 27th day of August, 1860,\* are or is vested in or belongs to, are or is exerciseable by, the judge of the Supreme Consular Court of Constantinople, within the dominions of the Sublime Ottoman Porte. And all the clauses, Articles, and provisions of the said Order in Council, so far as the same respectively are now in force and unrepealed, and so far as the same or any of them are applicable to the purposes mentioned in the said Articles XV and XVI of the said last-mentioned Treaty, or any of them, or to such rules, orders, or regulations as aforesaid, shall apply and extend to the said Consuls, Vice-Consuls, and Consular Agents of Her Majesty, and to all Acts, matters, and things, whatsoever done by, to, or in respect of them the said Consuls, Vice-Consuls, and Consular Agents respectively, under or by virtue of these presents.

And whereas doubts have arisen whether the language of the said Order in Council is sufficient to confirm and to give the force and effect of law to all the rules, orders, and regulations, concerning the several matters therein mentioned, which have in fact been made

\* Vol. XLVI. Page 658.

and promulgated by the said Commission, according to the view and construction of the authorities vested in the said Commission, which has been hitherto acted on by the said Commission; and whereas it is expedient to remove such doubts; now, therefore, in pursuance of the Act of Parliament, made in the session of Parliament, holden in the 6th and 7th years of Her Majesty's reign [cap. 94\*], intituled "An Act to remove doubts as to the exercise of power and jurisdiction by Her Majesty, within divers countries and places out of Her Majesty's dominions, and to render the same more effectual," and in execution of the powers thereby vested in Her Majesty in Council, Her Majesty is pleased by and with the advice of Her Privy Council, to order and declare, and it is hereby ordered and declared as follows:

1. All rules, orders, and regulations concerning the navigation of the River Danube, or concerning the conduct and Government of masters, seamen, or others navigating the same, or concerning the imposition, levying, or payment of tolls or duties to be taken or levied in respect of the navigation of the said river, or concerning the imposition or enforcing of penalties for the breach of such rules, orders, and regulations, respectively, or any of them, which have been at any time heretofore made and promulgated by the said Commission, shall, from and after the date of this Order (except so far as the same may have been already duly confirmed by the said recited Order, so as to make the same binding from the date thereof), be binding and in full force, and shall have the force and effect of law upon and against all British subjects, and Ionians, and other persons subject to the jurisdiction of Her Majesty's Consuls, Vice-Consuls, and Consular Agents, within the dominions of the Sublime Ottoman Porte.

2. Nothing herein contained shall be deemed to have the effect of revoking or annulling the said recited Order in Council, or anything contained therein.

3. For the purpose of enforcing, so far as Her Majesty's subjects and such other persons as aforesaid are concerned, all such rules, orders, and regulations, so made as aforesaid by the said Commission, and all acts, payments matters, and things, which in and by such rules, orders, or regulations, shall have been, or shall hereafter be, by virtue thereof ordered to be made, done, or performed, or otherwise in relation thereto, Her Majesty's Consuls, Vice-Consuls, and Consular Agents, exercising jurisdiction over British and Ionian subjects within the dominions of the Sublime Ottoman Porte, shall, from and after the date of these presents, have, possess, and enjoy all and every the power, jurisdiction, authorities, rights, privileges, and immunities, which in and by the hereinbefore

\* Vol. XXXI. Page 984.

mentioned Order in Council, bearing date the 27th day of August 1860,\* are or is vested in or belonging to, or are, or is exercisable by the judge of the Supreme Consular Court of Constantinople, within the dominions of the Sublime Ottoman Porte. And all the clauses, articles, and provisions of the said Order in Council, so far as the same respectively are now in force and unrepealed, and so far as the same or any of them are applicable to such rules, orders, and regulations as aforesaid, shall apply and extend to the said Consuls, Vice-Consuls, and Consular Agents of Her Majesty, and to all acts, matters, and things whatsoever, done by, to, or in respect of them the said Consuls, Vice-Consuls, and Consular Agents respectively, under or by virtue of these presents.

And the Right Honourable Earl Russell, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

EDMUND HARRISON.

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**BRITISH ORDER IN COUNCIL**, for enabling Her Majesty's Subjects to enter the Military and Naval Service of the Emperor of China with certain British Officers (Mr. H. N. Lay, and Captain S. Osborn, R.N.)†—August 30, 1862.

At the Court at Windsor, the 30th day of August, 1862.

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act passed in the 50th year of the reign of his late Majesty King George III [cap 69‡], intituled "An Act to prevent the Enlisting or Engagement of His Majesty's Subjects to serve in Foreign Service, and the fitting out or equipping in His Majesty's dominions Vessels for Warlike purposes, without His Majesty's Licence," it was enacted and declared, that if any natural born subject of His Majesty, his heirs and successors, without the leave or licence of His Majesty, his heirs or successors, for that purpose first had and obtained, under the sign manual of His Majesty, his heirs or successors, or signified by Order in Council or by Proclamation of His Majesty, his heirs or successors, should take or accept, or should agree to take or accept, any military commission, or should otherwise enter into the military service as a commissioned or non-commissioned officer, or should enlist or enter himself to enlist, or should agree to enlist or to enter himself to serve as a

\* Vol. L. Page 658.

† "London Gazette," of September 2, 1862.

‡ Vol. VI. Page 130.

soldier, or to be employed or should serve in any warlike or military operation, in the service of, or for or under or in aid of any foreign Prince, State, potentate, colony, province, or part of any province or people, or of any person or persons exercising or assuming to exercise the powers of Government in or over any foreign country, colony, province, or part of any province or people, either as an officer or soldier, or in any other military capacity; or if any natural born subject of His Majesty should, without such leave or licence as aforesaid, accept or agree to take or accept any commission, warrant, or appointment as an officer, or should enlist or enter himself, or should agree to enlist or enter himself, to serve as a sailor or marine, or to be employed or engaged, or should serve in and on board any ship or vessel of war, or in and on board any ship or vessel used or fitted out, or equipped or intended to be used for any warlike purpose, in the service of, or for, or under or in aid of any foreign Power, Prince, State, potentate, colony, province, or part of any province or people, or of any person or persons exercising or assuming to exercise the powers of government in or over any foreign country, colony, province, or part of any province or people; or if any natural-born subject of His Majesty should, without such leave and licence as aforesaid, engage, contract, or agree to go, or should go to any foreign State, country, colony, province, or part of any province, or to any place beyond the seas, with an intent or in order to enlist or enter himself to serve, or with intent to serve in any warlike or military operation whatever, whether by land or by sea, in the service of, or for, or under, or in aid of any foreign Prince, State, potentate, colony, province, or part of any province or people, or in the service of, or for, or under, or in aid of any person or persons exercising or assuming to exercise the powers of Government in or over any foreign country, colony, province, or part of any province or people, either as an officer or a soldier, or in any other military capacity, or as an officer or sailor, or marine, in any such ship or vessel as aforesaid, although no enlisting money, or pay, or reward should have been or should be, in any or either of the cases aforesaid, actually paid to or received by him, or by any person to or for his use or benefit; or if any person whatever within the United Kingdom of Great Britain and Ireland, or in any part of His Majesty's dominions elsewhere, or in any country, colony, settlement, island, or place belonging to or subject to His Majesty, should hire, retain, engage, or procure, or should attempt or endeavour to hire, retain, engage or procure any person or persons whatever to enlist, or to enter or engage to enlist, or to serve or to be employed in any such service or employment as aforesaid, as an officer, soldier, sailor, or marine, either in land or sea service, for or under or in aid of any foreign Prince, State, potentate, colony, pro-

Prince, or part of any province or people, or for, or under, or in aid of any person or persons exercising or assuming to exercise any powers of Government as aforesaid, or to go, or to agree to go, or embark from any part of His Majesty's dominions, for the purpose or with intent to be so enlisted, entered, engaged or employed as aforesaid, whether any enlisting money, pay, or reward should have been, or should be actually given or received, or not; in any or either of such cases, every person so offending should be deemed guilty of a misdemeanour, and, upon being convicted thereof upon any information or indictment, should be punishable by fine and imprisonment, as in the said Act is mentioned.

And that if any person within any part of the United Kingdom, or in any part of His Majesty's dominions beyond the seas, should, without the leave and licence of His Majesty for that purpose first had and obtained as aforesaid, equip, furnish, fit out, or arm, or attempt or endeavour to equip, furnish, fit out, or arm, or procure to be equipped, furnished, fitted out, or armed, or should knowingly aid, assist, or be concerned in the equipping, furnishing, fitting out, or arming of any ship or vessel, with intent or in order that such ship or vessel should be employed in the service of any foreign Prince, State, or potentate, or of any foreign colony, province, or part of any province or people, or of any person or persons exercising or assuming to exercise any powers of government in or over any foreign State, colony, province, or part of any province or people, as a transport or storeship, or with intent to cruise or commit hostilities against any Prince, State, or potentate, or against the subjects or citizens of any Prince, State, or potentate, or against the persons exercising or assuming to exercise the powers of government in any colony, province, or part of any province or country, or against the inhabitants of any foreign colony, province, or part of any province or country, with whom His Majesty should not then be at war; or should, within the United Kingdom or any of His Majesty's dominions, or in any settlement, colony, territory, island, or place belonging to or subject to His Majesty, issue or deliver any commission for any ship or vessel, to the intent that such ship or vessel should be employed as aforesaid, every such person so offending should be deemed guilty of misdemeanour, and should, upon conviction thereof, upon any information or indictment, be punished by fine and imprisonment, or either of them, at the discretion of the court in which such offender should be convicted; and every such ship or vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores which may belong to or be on board of any such ship or vessel, should be forfeited; and it should be lawful for any officer of His Majesty's Customs or Excise, or any officer of His Majesty's navy, who is by law em-

powered to make seizures for any forfeiture incurred under any of the laws of Customs or Excise, or the laws of trade and navigation, to seize such ships and vessels aforesaid and in such places, and in such manner in which the officers of His Majesty's Customs or Excise and the officers of His Majesty's navy are empowered respectively to make seizures under the laws of Customs and Excise, or under the laws of trade and navigation; and that every such ship and vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores, which may belong to or be on board of such ship or vessel, may be prosecuted and condemned in the like manner and in such courts as ships or vessels may be prosecuted and condemned for any breach of the laws made for the protection of the revenues of Customs and Excise, or of the laws of trade and navigation.

Her Majesty, by and with the advice of her Privy Council, being desirous of enabling her subjects to engage in and enter the naval and military service of the Emperor of China, is pleased to order, and it is hereby ordered, that from and after the 1st day of September next, it shall be lawful for Horatio Nelson Lay, one of Her Majesty's subjects, and Sherard Osborn, a captain in Her Majesty's navy, to enter into the military and naval service of the said Emperor, and to accept any commission, warrant, or other appointment under the said Emperor, and to accept any money, pay, or reward for their services, and to fit out, equip, purchase, and acquire ships or vessels of war for the use of the said Emperor, and to engage and enlist British subjects to enter the military and naval service of the said Emperor. And it is hereby further ordered that it shall be lawful for every British subject to enlist and enter himself by engaging and enlisting himself with the said Horatio Nelson Lay and Sherard Osborn, and no other person or persons whatsoever, in the military and naval service of the said Emperor, and to serve the said Emperor in any military, warlike, or other operations, either by land or by sea, and for that purpose to go to any place or places beyond the seas, and to accept any commission, warrant, or other appointment from or under the said Emperor, and to accept any money, pay, or reward for his service: provided always, that the licence and permission hereby given shall be in force only for the term of two years from the said 1st day of September next, unless by Order in Council made in manner aforesaid, such period should be further extended.

ARTHUR HELPS.

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**BRITISH NOTIFICATION, of the Greek Blockade of part of the Gulf of Argolis.\*—London, March 11, 1862.**

*Foreign Office, March 11, 1862.*

THE Right Honourable the Earl Russell, Her Majesty's Principal Secretary of State for Foreign Affairs, has received from the Greek Chargé d'Affaires at this court, an official communication dated the 9th of March instant, stating that in consequence of the insurrection which had broken out at Nauplia, the King's Government had placed in a state of strict blockade some of the coasts of the Gulf of Argolis, specified in a notification from the (Greek) Department of the Marine, dated the 14th February, in the present year.

Printed copies of such notification in the French language (of which a translation is herewith appended), were transmitted by the Greek Chargé d'Affaires to Earl Russell with the above communication, accompanied by a request that the notification might be made known to Her Majesty's subjects.

*Notification relative to a Blockade of a part of the Gulf of Argolis. (Translation.) Department of Marine, Athens, February 14, 1862.*

It is notified by these presents that, on and from the 14th of this present month of February, all the coasts of the Gulf of Argolis from the roadstead of Astros, not included, to the Bay of Vourlia, included, have been placed in a state of strict blockade by a sufficient force of the Royal Navy.

It is further notified that all measures, authorized by the law of nations and the several Treaties between His Majesty the King of Greece and the different friendly Powers, will be adopted and carried into execution, in regard to all ships which shall attempt to violate the said blockade.

D. BOTZARIS, *Minister of Marine.*

**BRITISH NOTIFICATION of the raising of the Greek Blockade of the Gulf of Argolis.†—London, May 8, 1862.**

*Foreign Office, May 8, 1862.*

WITH reference to the notification, dated Foreign Office, March 11th last, and published in the supplement to the "London Gazette" of March last, on the subject of the blockade by His Majesty the

\* Supplement to the "London Gazette" of March 11, 1862.

† "London Gazette" of May 9, 1862.

King of Greece of some of the coasts of the Gulf of Argolis, it is hereby notified that the Right Honourable the Earl Russell, Her Majesty's Principal Secretary of State for Foreign Affairs, has received from the Greek Chargé d'Affaires at this Court an official communication, dated the 6th May instant, stating that the insurrection at Nauplia having been completely subdued, the King's Government had raised the blockade imposed on the  $\frac{1}{2}$ <sup>3</sup>/<sub>4</sub>th of February, 1862, upon a part of the Gulf of Argolis, and that the Greek Department of Marine had published a notification to this effect, dated the  $\frac{1}{2}$ <sup>0</sup>/<sub>2</sub>nd of April.

(Translation.) *Marine Department, Athens, April  $\frac{1}{2}$ <sup>0</sup>/<sub>2</sub>, 1862.*

NOTIFICATION relative to raising the blockade, placed the  $\frac{1}{2}$ <sup>3</sup>/<sub>4</sub>th February, 1862, on part of the Gulf of Argolis.

It is notified by these presents that the blockade placed in virtue of our notification of the  $\frac{1}{2}$ <sup>3</sup>/<sub>4</sub>th February, 1862, on the coasts of the Gulf of Argolis, between the anchoring-ground of Astros, not comprised, and the Bay of Vourlia therein comprised, has been raised from the  $\frac{1}{2}$ <sup>0</sup>/<sub>2</sub>nd of this month.

A. A. MIAOULIS, *Minister of Marine.*



**BRITISH NOTIFICATION, of the French Blockade of the Ports of Tampico and Alvarado in the Gulf of Mexico.\*—**  
*London, June 17, 1862.*

*Foreign Office, June 17, 1862.*

It is hereby notified that the Right Honourable the Earl Russell, Her Majesty's Principal Secretary of State for Foreign Affairs, has received from Her Majesty's Ambassador at Paris a despatch, inclosing a copy of a note from M. Thouvenel, dated the 7th instant, transmitting a copy of a notification inserted in the "Moniteur" of that day, declaring the ports of Tampico and Alvarado, in the Gulf of Mexico, to be blockaded by the French forces; of which notification the following is a copy and translation :

*Notification relative au Blocus des Ports de Tampico et d'Alvarado, dans le Golfe du Mexique.*

*Département de la Marine et des Colonies,  
 Paris, le 5 Juin, 1862.*

Il est notifié, par les présentes, que son Excellence le Ministre de la Marine et des Colonies a été informé par le Vice-Amiral Commandant-en-chef les forces navales Françaises dans le Golfe du

\* "London Gazette" of June 17, 1862.

Mexique que le 1<sup>er</sup> Mai dernier, et à partir dudit jour, il a été établi, par les forces navales placées sous son commandement, un blocus effectif des ports de Tampico et d'Alvarado

Il est, en outre, notifié par les présentes, que toutes les mesures autorisées par le droit des gens, et les Traités respectifs existant entre Sa Majesté et les différentes Puissances neutres, seront adoptées et exécutées par rapport à tous les navires qui tenteraient de violer le dit blocus.

**BRITISH NOTIFICATION, of the French Blockade of the Port of Mazatlan, on the West Coast of Mexico.\*—London, July 25, 1862.**

*Foreign Office, July 25, 1862.*

It is hereby notified that the Right Honourable the Earl Russell, Her Majesty's Principal Secretary of State for Foreign Affairs, has received from the Lords Commissioners of the Admiralty a communication, enclosing a letter from Captain Miller, of Her Majesty's ship *Olio*, dated Acapulco, the 15th of June, reporting that the port of Mazatlan, on the West Coast of Mexico, was blockaded on the 28th of May last, by the frigate *Bayonnaise*, belonging to the Naval Forces of His Imperial Majesty the Emperor of the French.

**BRITISH NOTIFICATION, of the Italian Blockade of the Island of Sicily.†—London, August 25, 1862.**

*Foreign Office, August 25, 1862.*

It is hereby notified that, on the 23rd instant, Earl Russell, Her Majesty's Principal Secretary of State for Foreign Affairs, received from the Italian Chargé d'Affaires at this court, the announcement that the Government of the King of Italy had instituted a blockade of the Island of Sicily and the neighbouring islands. The following is the official communication received by Earl Russell:

49, Grosvenor Street, Londres, le 23 Août, 1862.

Le Soussigné, Chargé d'Affaires de Sa Majesté le Roi d'Italie, a été chargé par son Gouvernement d'annoncer à celui de Sa Majesté Britannique, que le Gouvernement du Roi, par suite des recens

\* "London Gazette" of July 25, 1862.

† "London Gazette" of August 26, 1862.

événements, a déclaré le blocus de l'Ile de Sicile ainsi que des îles voisines.

Le Soussigné a, par conséquent, l'honneur de notifier ce fait à Monsieur le Comte Russell, Principal Secrétaire d'Etat pour les Affaires Etrangères de Sa Majesté Britannique, et saisit cette occasion pour lui renouveler l'assurance de sa plus haute considération.

L. CORTI.

*BRITISH NOTIFICATION, of the raising of the Italian Blockade of Sicily and the adjacent Islands.\*—London, September 2, 1862.*

*Foreign Office, September 2, 1862.*

It is hereby notified that, on the 1st day of this month, Earl Russell, Her Majesty's Principal Secretary of State for Foreign Affairs, received from the Italian Chargé d'Affaires, resident at this court, the announcement that the blockade of the island of Sicily and of the neighbouring islands, notified to Earl Russell on the 23rd of August last, and published in the Gazette of Tuesday last, has been raised by the Italian Government, and is no longer in force.

*BRITISH NOTIFICATION, of the Venezuelan Blockade of the Ports and Coasts of Maracaybo.†—London, November 3, 1862.*

*Foreign Office, November 3, 1862.*

It is hereby notified, that on the 30th October, Earl Russell, Her Majesty's Principal Secretary of State for Foreign Affairs, received from Her Britannic Majesty's Chargé d'Affaires at Caracas, a despatch, enclosing the copy of a decree issued by the Venezuelan Government, declaring the ports and coasts of Maracaybo in that Republic to be in a state of blockade.

The decree, in so far as it relates to the blockade, is as follows :

(Translation.)

ART. I. That the ports and coasts of Maracaybo are to be closed: that is, all the line which runs from Cape San Roman, in

\* "London Gazette" of September 2, 1862.

† "London Gazette" of November 4, 1862.

the peninsula of Paraguana, to the point Espada, in the Goajira peninsula.

II. The ports and coasts referred to in the preceding Article are also declared in a state of blockade.

III. The blockade will be effective 60 days after date with regard to vessels arriving from Europe ; 30 days for those despatched from Demerara and the other West Indian islands, excepting the vessels coming from St. Thomas, St. Croix, Curazoa and its dependencies, for which the time will be 8 days.

IV. If before the expiration of such terms a vessel shall arrive, whatever be its nationality, to the ports and places blockaded, the blockading forces will notify the existence of the blockade, noting in its log-book the day and place, or the latitude in which such vessel was met, and also the notification made. In case the vessel should insist in the pretension to enter, notwithstanding the notification, it will be subject to detention and confiscation.

V. All communication with the places to which the blockade is extended being prohibited, the force in charge thereof will only allow the sailing of such foreign vessels as have entered before the blockade was established.

VI. The Commanders of the blockading force will proceed against the vessels which they detain in consequence of violation of the blockade, in the manner provided by the Order on Privateering of the 30th of March, 1822,\* which will be applied in a manner not at variance with the anterior dispositions.

**BRITISH NOTIFICATION, of the raising of the French Blockade of the Port of Tampico in favour of Neutral Vessels not carrying contraband of war.**†—London, December 12, 1862.

*Foreign Office, December 12, 1862.*

It is hereby notified that Earl Russell, K.G., Her Majesty's Principal Secretary of State for Foreign Affairs, has received from Her Majesty's Consul at Vera Cruz, information that the Admiral in command of the naval forces of His Majesty the Emperor of the French, duly notified on the 8th September last to Captain Tatham, of Her Majesty's ship *Phaeton*, that the port of Tampico would forthwith be open to all neutral vessels, provided they had no contraband of war on board, or passengers endeavouring to land for hostile purposes.

The aforesaid letter of Admiral Jurien is as follows :

\* Vol. XII. Page 647.

† "London Gazette" of December 12, 1862.

M. LE COMMANDANT, *Rade de Sacrificios, le 8 Septembre, 1862.*

EN reponse à la lettre que vous m'avez fait l'honneur de m'adresser le 6 Septembre, relativement aux effets du blocus établi par la Marine Française devant le port de Tampico, j'ai l'honneur de vous informer, que je suis en effet autorisé, sous ma responsabilité, à temperer autant que possible les rigueurs de ce blocus, dont l'objet principal est d'empêcher l'introduction des objets de contrabande de guerre.

En conséquence, dès que je pourrai communiquer avec Mons. le Commandant de Berthollet, je modifierai dans ce sens les instructions qui lui ont été données.

Il ne sera donc apporté jusqu'à nouvel ordre aucun obstacle à l'entrée des bâtiments neutres dans le port de Tampico, lorsqu'il aura été constaté que ces bâtiments ne portent ni objets de contrabande de guerre, ni passagers cherchant à débarquer dans un but hostile sur le sol Mexicain.

*Le Vice-Amiral Commandant les Forces Navales de*  
*Le Capitaine Tatham, l'Expédition du Mexique, JURIEN.*

*TRAITE d'Amitié, de Commerce, et de Navigation, entre la Belgique et la Bolivie.—Conclu à Santiago de Chili, le 17 Août, 1860.*

[Ratifications échangées à La Paz, le 8 Novembre, 1862.]

#### *TRAITE.*

SA Majesté le Roi des Belges d'une part, et son Excellence le Président de la République de Bolivie, d'autre part, voulant régler, étendre et affermir les relations de commerce et de navigation entre la Belgique et la République de Bolivie, ont jugé convenable de négocier un Traité propre à atteindre ce but et ont nommé, à cet effet, pour leurs Plénipotentiaires ;

Sa Majesté le Roi des Belges, le Sieur Ant. Constantin Louis Joseph Derote, Consul-Général de Belgique pour la Côte Occidentale de l'Amérique du Sud, Officier de l'Ordre de Léopold ;

Et son Excellence le Président de la République de Bolivie, M. le Docteur Joseph Marie Santivanez, Chargé d'Affaires de Bolivie près le Gouvernement du Chili ;

Lesquels, après avoir échangé leurs pleins pouvoirs et les avoir trouvés en bonne et due forme, ont arrêté les Articles suivants :

ART. I. Il y aura paix perpétuelle et amitié constante entre le Royaume de Belgique et la République de Bolivie, et entre les citoyens des deux pays, sans exception de personnes ni de lieux.

II. Il y aura, entre la Belgique et la Bolivie, liberté réciproque de commerce.

Les Belges en Bolivie et les Boliviens en Belgique pourront, réciproquement et en toute liberté et sécurité, entrer avec leurs navires et cargaisons, comme les citoyens du pays eux-mêmes, dans tous les lieux, ports et rivières qui sont ou seront ouverts au commerce étranger, sauf les précautions de police employées à l'égard des citoyens du pays.

III. Les citoyens de chacune des deux Parties Contractantes pourront librement, sur les territoires respectifs, voyager ou séjourner, commercer en gros ou en détail, comme il est permis actuellement de le faire, ou comme il le sera par la suite aux citoyens eux-mêmes, louer et occuper les maisons, magasins et boutiques qui leur seront nécessaires, transporter des marchandises et des espèces, et recevoir des consignations, être admis comme cautions en douane quand il y aura plus d'un an qu'ils seront établis sur les lieux et que les biens fonciers ou mobiliers qu'ils y posséderont présenteront une garantie suffisante, sans que pour toutes ces opérations, ou pour chacune d'elles, lesdits citoyens soient assujettis à d'autres charges ou restrictions que celles qui sont imposées aux nationaux eux-mêmes, sauf les précautions de police qui sont prises à l'égard de ceux-ci.

Ils seront les uns et les autres sur un pied de parfaite égalité, libres dans leurs achats comme dans leurs ventes, d'établir et de fixer le prix des effets, marchandises et objets quelconques, tant importés que nationaux, qu'ils les vendent à l'intérieur, ou qu'ils les destinent à l'exportation, sauf à se conformer expressément aux lois et règlements du pays.

Ils jouiront de la même liberté pour diriger leurs affaires eux-mêmes présenter en douane leurs propres déclarations, ou se faire suppléer par des personnes de leur choix, comme fondés de pouvoir, facteurs, agents consignataires ou interprètes, soit pour faire des acquisitions, soit pour vendre leurs effets ou marchandises, soit pour charger, décharger ou expédier leurs navires.

Ils auront également le droit de remplir toutes les fonctions qui leur seront confiées par leur propres compatriotes, par des étrangers ou par des nationaux en qualité de fondés de pouvoirs, facteurs, agents, consignataires ou interprètes, en se conformant aux lois du pays, sans avoir, comme étrangers, à payer aucun surcroît de salaire ou de rétribution.

Enfin, ils ne seront assujettis, dans aucun cas, à d'autres charges, restrictions, taxes ou impôts, que ceux auxquels seront soumis les nationaux.

Il est, en outre, spécialement convenu que tous les avantages, de quelque nature que ce soit, actuellement accordés par les lois et les décrets en vigueur dans la République de Bolivie, ou qui le seront à



l'avenir aux immigrants étrangers, sont garantis aux Belges établis ou qui s'établiront sur un point quelconque du territoire de la République. Il en sera de même pour les Boliviens en Belgique.

IV. Les citoyens de l'une et l'autre Partie Contractante jouiront, dans les deux Etats, de la plus constante et complète protection pour leurs personnes et leurs propriétés. Ils auront, en conséquence, un libre et facile accès auprès des tribunaux de justice pour la poursuite et la défense de leurs droits en toute instance et dans tous les degrés de juridiction établis par les lois. Ils seront libres d'employer, dans toutes les circonstances, les avocats, avoués, ou agents de toute classe qu'ils jugeraient à propos de faire agir en leur nom.

Enfin, ils jouiront, sous ce rapport, des mêmes droits et des mêmes privilèges que les citoyens, et seront soumis aux mêmes conditions à charge de réciprocité.

V. Les Belges en Bolivie, et les Boliviens en Belgique, seront exempts de tout service militaire, soit dans les armées de terre ou de mer, soit dans les gardes ou milices nationales, et, en aucun cas, ils ne seront assujettis, pour leurs propriétés mobilières et immobilières, à d'autres charges, restrictions, taxes ou impôts, que ceux auxquels seraient soumis les citoyens du pays.

VI. Les Belges en Bolivie, et les Boliviens en Belgique, jouiront d'une entière liberté de conscience. Les uns et les autres se conformeront, pour l'exercice extérieur de leur culte, aux lois du pays où ils résident.

VII. Les citoyens de chacune des Parties Contractantes auront le droit, sur les territoires respectifs, de posséder des biens de toute espèce et d'en disposer de la même manière que les indigènes.

Les Belges jouiront, dans tout le territoire de la République de Bolivie, du droit de recueillir et de transmettre les successions *ab intestat* ou testamentaires de la même manière que les Boliviens, selon les lois du pays, et sans être assujettis, à raison de leur qualité d'étrangers, à aucun prélèvement ou impôt qui ne serait pas dû par les citoyens dans les mêmes cas.

Réciproquement, les Boliviens jouiront en Belgique du droit de recueillir et de transmettre les successions *ab intestat* ou testamentaires de la même manière que les Belges, selon les lois du pays, et sans être assujettis, à raison de leur qualité d'étrangers, à aucun prélèvement ou impôt qui ne serait pas dû par les sujets nationaux dans les mêmes cas. La même réciprocité, entre les citoyens des deux pays, existera pour les donations entre-vifs.

Lors de l'exportation des biens recueillis ou acquis, à quelque titre que ce soit, par des Belges dans la République de Bolivie ou par des Boliviens en Belgique, il ne sera prélevé sur ces biens aucun droit de détraction ni aucun droit quelconque auquel les indigènes ne seraient pas assujettis.

## BELGIUM AND BOLIVIA

Les dispositions qui précèdent sont applicables à toutes les transactions de biens en vue de l'exportation n'a point encore été effectuée.

VIII. Seront considérés comme Belges, en Bolivie, et comme Boliviens, en Belgique, tous les navires qui navigueront sous les pavillons respectifs et qui seront porteurs des papiers de bord et des certificats exigés par les lois de chacun des deux Etats pour la justification de la nationalité des bâtiments de commerce.

IX. Les navires Belges qui entreront sur lest ou chargés dans les ports de la Bolivie ou qui en sortiront, et réciproquement les navires Boliviens qui entreront sur lest ou chargés dans les ports de Belgique ou qui en sortiront, soit par mer, soit par rivière ou canaux, quel que soit le lieu de leur départ ou celui de leur destination, ne seront assujettis, tant à l'entrée qu'à la sortie et au passage, à des droits de tonnage, de port, de balisage, de pilotage, d'ancrage, de remorque, de fanal, d'écluse, de canaux, de quarantaine, de sauvetage, d'entrepôt, de patente, de navigation, de péage, enfin à des droits ou charges de quelque nature ou dénomination que ce soit, pesant sur la coque des navires, que ces droits soient établis au nom du Gouvernement, de fonctionnaires publics, de communes ou d'établissements quelconques, autres que ceux qui sont actuellement ou pouront par la suite être imposés aux bâtiments nationaux.

X. En ce qui concerne le placement des navires, leur chargement et déchargement dans les ports, rades, havres et bassins, et généralement pour toutes les formalités et dispositions auxquelles peuvent être soumis les navires de commerce, leur équipage et leur chargement, il est convenu qu'il ne sera accordé aux navires nationaux aucun privilège ni aucune faveur qui ne le soit également à ceux de l'autre partie, la volonté des deux Parties Contractantes étant que, sous ce rapport, leurs bâtiments soient traités sur le pied d'une parfaite égalité.

XI. Les bâtiments de guerre de l'une des deux Puissances pourront entrer, séjourner et se radoubler dans ceux des ports de l'autre Puissance dont l'accès est accordé à la nation la plus favorisée. Ils y seront soumis aux mêmes règles et y jouiront des mêmes avantages.

XII. Les navires de l'une des Parties Contractantes qui, à cause de quelque accident, entreront en relâche forcée dans les ports de l'autre ne payeront, soit pour le bâtiment, soit pour la cargaison, qu'elle soit déposée à terre ou transbordée, d'autres droits que ceux auxquels seraient soumis ceux de la nation en pareil cas, pourvu que la nécessité de la relâche soit constatée, que les navires ne fassent aucune opération de commerce et qu'ils ne séjournent dans le port plus de tout temps que ne l'exige le motif de la relâche.

origine ou leur provenance, importées dans les ports de l'un des deux Etats sous le pavillon de l'autre, ne payeront d'autres ni de plus forts droits d'entrée et ne seront soumises à d'autres charges que si elles étaient importées sous pavillon national.

XIV. Les objets de toute nature exportés de l'un des deux Etats sous le pavillon de l'autre vers quelque pays que ce soit, ne seront pas assujettis à d'autres droits ou à d'autres formalités que si l'exportation avait lieu sous pavillon national.

XV. Par exception, les dispositions des Articles précédents ne seront pas applicables à l'importation du sel et des produits de la pêche nationale, les deux pays se réservant la faculté d'accorder des privilèges spéciaux à l'importation de ces articles sous pavillon national.

XVI. Les bâtiments Belges en Bolivie, et les bâtiments Boliviens en Belgique, pourront décharger une partie de leur cargaison dans le port de prime abord, et se rendre ensuite avec le reste dans d'autres ports du même Etat, ouverts au commerce extérieur, soit pour y achever de débarquer leur chargement, soit pour y compléter leur chargement de retour, en ne payant dans chaque port d'autres ni de plus forts droits que ceux que payent les bâtiments nationaux dans des circonstances semblables.

Cette stipulation ne comprend point le commerce de cabotage qui sera réglé par les lois propres de chacune des Parties Contractantes.

XVII. Pendant le temps fixé par les lois des deux pays respectivement pour l'entreposage des marchandises, il ne sera perçu aucun droit, autre que ceux de garde et d'emmagasiner sur les objets importés de l'un des pays dans l'autre, en attendant qu'ils soient expédiés pour la consommation intérieure ou en transit, ou bien réexportés.

Ces objets, dans aucun cas, ne payeront de plus forts droits d'entrepôt, et ne seront assujettis à d'autres formalités que s'ils avaient été importés sous pavillon national.

XVIII. Les objets de toute nature venant de Belgique ou expédiés vers la Belgique, seront traités, à leur passage par le territoire Bolivien, comme le seraient, dans les mêmes circonstances, les objets venant ou en destination du pays le plus favorisé.

Réciproquement, les objets de toute nature venant de Bolivie ou expédiés vers la Bolivie seront traités à leur passage par le territoire Belge, comme le seraient, dans les mêmes circonstances, les objets venant ou en destination du pays le plus favorisé.

XIX. Les navires Belges ou Boliviens, venant directement de Bolivie, avec un chargement d'au moins deux cents tonnes de guano Bolivien, seront exempts du droit de tonnage dans les ports de la Belgique.

La laine, le guano et l'écorce de quinquina, originaires de Bolivie, directement importées d'un port Bolivien ou du port Péruvien d'Arica, sous pavillon Belge ou Bolivien, seront exemptes de tout droit de Douane à l'entrée en Belgique.

La provenance et l'origine des produits désignés aux deux paragraphes précédents devront être constatées par un certificat délivré par un Agent Consulaire Belge établi au port d'expédition, ou, à défaut de celui-ci, par un Consul d'une Puissance amie, ou par le Chef de la Douane locale.

XX. Dans le cas où un service régulier de navigation subside par l'Etat Belge serait établi entre la Belgique et la côte occidentale de l'Amérique du Sud, les navires employés à ce service seront, dans les ports Boliviens, considérés comme paquebots, et, à ce titre, ils seront exemptes de tout droit de tonnage, à la condition de transporter gratuitement la correspondance du Gouvernement Bolivien et celle de son représentant en Belgique.

Pour que les paquebots du service régulier de navigation dont il s'agit dans le paragraphe précédent puissent jouir de l'exemption promise, le Chef ou le Directeur de l'entreprise en donnera connaissance au Gouvernement Bolivien, et lui adressera les pièces qui en constatent l'exécution.

Les armes et munitions de guerre de toute espèce, les machines et les ouvrages de fer de toute sorte ou dans lesquels le fer est la matière principale, les clous, les verres à vitres et les livres originaires de Belgique, jouiront, à l'entrée en Bolivie, d'une réduction d'un quart sur les droits d'entrée du tarif général.

La provenance et l'origine des produits désignés au paragraphe précédent devront être constatées par un certificat d'un Agent Consulaire de Bolivie en Belgique ou, à son défaut, du Consul d'une Puissance amie ou du Chef de la Douane locale.

XXI. Il est convenu également que toute faveur ou exemption qui aurait été accordée ou qui serait concédée en matière de Douane aux sujets d'un autre Etat par l'une des Parties Contractantes sera étendue aux citoyens de l'autre partie gratuitement, si la concession en faveur de l'autre Etat a été gratuite, ou moyennant une compensation équivalente, si la concession a été conditionnelle.

Cette stipulation ne s'opposera pas, néanmoins, à ce que la Bolivie accorde quelques faveurs particulières aux républiques de l'Amérique du Sud, pour les produits de leurs territoires en échange de faveurs égales qui seraient accordées aux productions Boliviennes.

Les produits du sol ou de l'industrie originaires de l'un des deux Etats ne seront pas frappés, à leur importation sur le territoire de l'autre Etat contractant, de droits différents ou plus élevés que ceux

qui sont imposés, soit à l'importation, soit à la réexportation, sur des produits similaires provenant de tout autre pays étranger.

Aucune restriction, aucune prohibition d'importation ou d'exportation n'aura lieu dans le commerce international des Parties Contractantes, qu'elle ne soit également étendue à toutes les autres nations.

XXII. Chacun des deux Etats Contractants pourra établir sur le territoire de l'autre Etat des Consuls Généraux, des Consuls et des Vice-Consuls pour la protection du commerce, mais ces agents n'entreront en fonctions et en jouissance des droits et des privilèges qui leur appartiennent, qu'après avoir obtenu l'exequatur du Gouvernement territorial.

Celui-ci conservera d'ailleurs le droit de déterminer les résidences où il lui conviendra d'admettre des Consuls; bien entendu que, sous ce rapport, il ne sera fait aucune restriction qui ne soit commune dans le pays à toutes les autres nations.

XXIII. Les Consuls Généraux, Consuls, Vice-Consuls, et Agents Consulaires des Parties Contractantes jouiront, dans l'un et l'autre pays, de tous les privilèges, exemptions et immunités dont jouissent dans les mêmes conditions les agents de même qualité de la nation la plus favorisée.

XXIV. Au décès d'un Belge en Bolivie et si les héritiers légitimes ne se trouvent pas sur les lieux, les scelles seront apposés sur les biens meubles et les papiers de la succession par l'autorité compétente qui en donnera immédiatement avis à l'Agent Consulaire Belge dans l'arrondissement duquel le décès aura eu lieu. Cet agent aura le droit d'assister à la levée des scelles et à l'inventaire; sans qu'au reste il soit en rien dérogé à la législation en vigueur en Bolivie.

L'Agent Consulaire Belge sera, après inventaire, constitué d'office dépositaire des meubles et des papiers, et administrateur des biens de la succession.

La réciprocité sera observée au décès d'un Bolivien en Belgique.

XXV. Les Consuls respectifs pourront faire arrêter et renvoyer, soit à bord, soit dans leur pays, les marins qui auraient déserté des bâtiments de leur nation dans un des ports de l'autre. A cet effet, ils s'adresseront par écrit aux autorités locales compétentes et justifieront, par l'exhibition en original ou en copie dûment certifiée des registres du bâtiment ou du rôle d'équipage, ou par d'autres documents officiels, que les individus qu'ils réclament faisaient partie dudit équipage.

Sur cette demande ainsi justifiée, la remise ne pourra leur être refusée.

Il leur sera donné toute aide pour la recherche et l'arrestation desdits déserteurs, qui seront même détenus et gardés dans les

maisons d'arrêt du pays, à la réquisition et aux frais des Consuls, jusqu'à ce que ces agents aient trouvé une occasion de les faire partir. Si pourtant cette occasion ne se présentait pas dans un délai de deux mois à compter du jour de l'arrestation, les déserteurs seraient mis en liberté et ne pourraient plus être arrêtés pour la même cause.

Il est entendu que les marins, sujets de l'autre partie, seront exceptés de la présente disposition, à moins qu'ils ne soient naturalisés citoyens de l'autre pays.

Si le déserteur avait commis quelque délit, son extradition sera différée jusqu'à ce que le tribunal qui a droit d'en connaître ait rendu son jugement et que la sentence ait été exécutée.

XXVI Toutes les opérations relatives au sauvetage des navires Belges naufragés ou échoués sur les côtes de Bolivie, seront dirigées par les Consuls et Agents Consulaires de Belgique, et, réciproquement, les Consuls et Agents Consulaires de Bolivie dirigeront les opérations de sauvetage des navires de leur nation, naufragés ou échoués sur les côtes de Belgique.

L'intervention des autorités locales aura seulement lieu pour maintenir l'ordre, garantir les intérêts des sauveteurs, s'ils sont étrangers aux équipages naufragés, et assurer l'exécution des dispositions à observer pour l'entrée et la sortie des marchandises sauvées; en l'absence et jusqu'à l'arrivée des Consuls ou Vice-Consuls, les autorités locales devront d'ailleurs, prendre toutes les mesures nécessaires pour la protection des individus et la conservation des effets naufragés.

Les marchandises sauvées ne seront soumises à aucun droit de Douane, à moins qu'elles ne soient admises à la consommation intérieure.

XXVII. Les navires, marchandises et effets appartenant aux citoyens respectifs qui auraient été pris par des pirates dans les limites de la juridiction de l'une des deux Parties Contractantes ou en haute mer et qui seraient conduits ou découverts dans les ports, rivières, rades, baies de la domination de l'autre Partie Contractante, seront remis à leurs propriétaires qui auront à payer, s'il y a lieu, les frais de reprise à déterminer par les tribunaux compétents. Le droit de propriété devra, auparavant, avoir été prouvé devant les tribunaux et la réclamation être faite dans le délai d'un an, par les parties intéressées, par leurs fondés de pouvoirs ou par les Agents des Gouvernements respectifs.

XXVIII. Si l'une des Parties Contractantes entre en guerre avec un Etat quelconque, les citoyens de l'autre partie pourront continuer leur commerce et leur navigation avec ce même Etat, à l'exception toutefois des villes ou ports assiégés ou bloqués par terre ou par mer, bien entendu que cette liberté de commerce

et de navigation ne s'étendra pas aux articles de contrebande de guerre.

Pour être obligatoire, le blocus devra être effectif, c'est-à-dire maintenu par une force suffisante pour empêcher réellement l'accès de l'endroit bloqué.

Prenant en considération l'éloignement des Etats des Parties Contractantes, et l'incertitude qui en résulte sur les divers événements qui peuvent avoir lieu des deux côtés, il est convenu que si un navire arrive à un port bloqué ou assiégé sans avoir connaissance du blocus ou du siège, il ne pourra pas être saisi et il pourra se diriger avec sa cargaison vers le lieu qui lui paraîtra convenable, à moins que ledit bâtiment ne persiste à entrer dans le port après la sommation légale que lui aura faite, en temps opportun, le commandant des forces du blocus.

Si un navire appartenant à l'une des Parties Contractantes se rencontre avant l'établissement du blocus ou du siège dans un port bloqué ou assiégé par les forces de l'autre partie, il pourra librement sortir avec sa cargaison, et de plus il ne sera point sujet à confiscation ni troublé aucunement, s'il était trouvé dans le port après la prise ou la reddition de la place.

XXIX. Si l'un des Etats Contractants reste neutre quand l'autre est en guerre avec une tierce puissance, toutes les marchandises couvertes du pavillon de l'Etat neutre seront réputées neutres, alors même qu'elles appartiendraient aux ennemis de la seconde, et d'autre part, les marchandises appartenant à l'Etat neutre ne seront pas saisissables alors même qu'elles seraient trouvées à bord des navires ennemis de l'autre Partie Contractante.

Il est entendu que les articles de contrebande de guerre sont exceptés du bénéfice de cette double disposition.

XXX. L'une des parties étant en guerre avec un pays quelconque, l'autre partie ne pourra, en aucun cas, autoriser ses nationaux à prendre ou accepter des lettres de marque dans le but d'agir hostilement contre la première ou d'inquiéter le commerce et les propriétés de ces citoyens.

XXXI. Dans le même cas, et lorsque les vaisseaux de l'Etat Contractant qui serait en guerre auraient à exercer le droit de visite en haute mer sur les bâtiments de l'autre Etat, demeuré neutre, ils le feront en envoyant dans une embarcation deux commissaires chargés d'examiner les papiers relatifs à leur nationalité et à leur cargaison, et les commandants seront responsables, dans leur personne et dans leurs biens, de toute vexation et de toute violence qu'ils commettraient ou qu'ils toléreraient à cette occasion.

La visite n'aura pas lieu dans les navires qui voyagent en convoi : dans ce cas, il suffira que le commandant du convoi déclare verbalement et sur sa parole d'honneur que les navires qu'il escorte appar-



tiennent à l'Etat dont ils arborent le pavillon, ou qu'ils n'ont point à bord de contrebande de guerre, s'ils sont destinés à un port de la nation belligérante.

XXXII. Le présent Traité sera en vigueur pendant 5 ans à partir de deux mois après le jour de l'échange des ratifications et si, un an avant l'expiration de ce terme, aucune des Parties Contractantes n'annonce à l'autre, par une déclaration officielle, son intention d'en faire cesser les effets, le Traité sera encore obligatoire pendant une année et ainsi de suite, d'année en année, il restera en vigueur aussi longtemps que la notification préalable n'aura point été faite.

XXXIII. Le présent Traité sera constitutionnellement ratifié de part et d'autre, et les ratifications en seront échangées dans le délai de 18 mois ou plus tôt si faire se peut.

En foi de quoi, les Plénipotentiaires l'ont signé et y ont apposé leurs sceaux.

Fait en quadruple original, à Santiago du Chili, le 17 Août, 1860.

(L.S.) DEROTE.

(L.S.) JOSE M. SANTIVANEZ.

*TRAITE d'Amitié d'Etablissement et de Commerce, entre la Belgique et la Suisse.—Conclu à Berne, le 11 Décembre, 1862.*

[Ratifications échangées à Berne, le 3 Juin, 1863]

SA MAJESTÉ le Roi des Belges et la Confédération Suisse, animés du désir de maintenir et de resserrer les liens d'amitié qui existent heureusement entre les deux pays et d'accroître, par tous les moyens à leur disposition, les relations commerciales de leurs citoyens respectifs, ont résolu de conclure un Traité d'amitié, d'établissement et de commerce réciproque, et ont à cet effet nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges, le sieur Roger Helman de Grimberghe, Chevalier de son Ordre, Commandeur de nombre de l'Ordre d'Isabelle d'Espagne, Chevalier de l'Ordre des Saints Maurice et Lazare d'Italie, son Chargé d'Affaires près la Confédération Suisse,

Et le Conseil Fédéral Suisse, le Sieur Frédéric Frey-Hérosée, Colonel Fédéral, Membre du Conseil Fédéral Suisse, Chef du Département du Commerce et des Payages ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivants :

**ART. I.** Il y aura, entre la Belgique et la Suisse, paix perpétuelle et liberté réciproque d'établissement et de commerce.

Les Belges seront reçus et traités dans chaque canton de la Confédération Suisse, relativement à leurs personnes et à leurs propriétés, sur le même pied et de la même manière que le sont, ou pourront l'être, à l'avenir, les ressortissants des autres cantons. Les Suisses jouiront en Belgique des mêmes droits et avantages que les Belges en Suisse. Conformément à ce principe et en dedans de ses limites, les citoyens de chacune des deux Parties Contractantes pourront librement, sur les territoires respectifs, et en se conformant aux lois du pays, voyager ou séjourner, commercer tant en gros qu'en détail, exercer toute profession ou industrie, louer et occuper les maisons, magasins, boutiques et établissements qui leur seront nécessaires, effectuer des transports de marchandises et d'argent, et recevoir des consignations tant de l'intérieur que des pays étrangers, sans que pour toutes ou quelques-unes de ces opérations lesdits citoyens soient assujettis à d'autres obligations que celles qui pèsent sur les nationaux, sauf les précautions de police qui sont employées à l'égard des nations les plus favorisées. Ils seront, les uns et les autres, sur un pied de parfaite égalité, libres dans tous leurs achats comme dans toutes leurs ventes d'établir et de fixer le prix des effets, marchandises et objets quelconques, tant importés que nationaux, qu'ils les vendent à l'intérieur ou qu'ils les destinent à l'exportation, sauf à se conformer expressément aux lois et règlements du pays.

Ils jouiront de la même liberté pour faire leurs affaires eux-mêmes, présenter en douane leurs propres déclarations ou se faire suppléer par qui bon leur semblera, fondés de pouvoirs, facteurs, agents, consignataires ou interprètes, dans l'achat ou dans la vente de leurs biens, leurs effets ou marchandises ; ils auront également le droit de remplir toutes les fonctions qui leur seront confiées par leurs propres compatriotes, par des étrangers ou par des nationaux, en qualité de fondés de pouvoirs, facteurs, agents, consignataires ou interprètes.

Enfin ils ne payeront point, à raison de leur commerce ou de leur industrie, dans les villes ou lieux quelconques des deux Etats, soit qu'ils s'y établissent, soit qu'ils y résident temporairement, des droits, taxes ou impôts, sous quelque dénomination que ce soit, autres ou plus élevés que ceux qui se percevront sur les nationaux ou sur les citoyens de la nation la plus favorisée, et les privilèges, immunités et autres faveurs quelconques, dont jouissent, en matière de commerce et d'industrie, les citoyens de l'un des deux Etats, seront communs à ceux de l'autre.

**II.** Les citoyens d'une des deux Parties Contractantes, résidant

ou établis dans les territoires de l'autre, qui voudront retourner dans leur pays ou qui y seront renvoyés par sentence judiciaire, par mesure de police légalement adoptée et exécutée, ou d'après les lois sur la mendicité et les mœurs, seront reçus en tout temps et en toute circonstance, eux et leurs familles, dans le pays dont ils sont originaires et où ils auront conservé leurs droits conformément aux lois.

III. Les citoyens de chacune des deux Parties Contractantes jouiront, sur le territoire de l'autre partie, de la plus constante et complète protection pour leurs personnes et leurs propriétés. Ils auront, en conséquence, un libre et facile accès auprès des tribunaux de justice pour la poursuite et la défense de leurs droits, en toute instance et dans tous les degrés de juridiction établis par les lois. Ils seront libres d'employer, dans toutes les circonstances, les avocats, avoués ou agents de toute classe qu'ils jugeraient à propos de faire agir en leur nom, choisis parmi les personnes admises à l'exercice de ces professions d'après les lois du pays. Enfin ils jouiront, sous ce rapport, des mêmes droits et privilèges que ceux qui sont accordés aux nationaux et ils seront soumis aux mêmes conditions.

Les sociétés anonymes, commerciales, industrielles ou financières, légalement autorisées dans l'un des deux pays, seront admises à ester en justice dans l'autre, et jouiront, sous ce rapport, des mêmes droits que les particuliers.

IV. Les citoyens de chacune des deux Parties Contractantes auront, sur les territoires de l'autre, liberté pleine et entière d'acquérir, de posséder, par achat, vente, donation, échange, mariage, testament, succession *ab intestat* ou de toute autre manière, toute espèce de propriété mobilière ou immobilière dont les lois du pays permettent la possession aux nationaux et d'en disposer.

Leurs héritiers et représentants peuvent leur succéder et prendre possession de cette propriété par eux-mêmes ou par des fondés de pouvoirs agissant en leur nom, d'après les formes ordinaires de la loi à l'instar des citoyens du pays. Dans l'absence des héritiers ou des représentants, la propriété sera traitée de la même manière que celle d'un citoyen du pays serait traitée dans des circonstances semblables.

A tous ces égards, ils ne payeront de la valeur d'une telle propriété aucun impôt, contribution ou charge autre ou plus forte que ceux auxquels sont soumis les citoyens du pays.

Dans tous les cas, il sera permis aux citoyens des deux Parties Contractantes d'exporter leurs biens, savoir : les citoyens Suisses du territoire Belge—et les citoyens Belges du territoire Suisse, librement et sans être assujettis, lors de l'exportation, à payer un *droit quelconque*, en qualité d'étrangers, et sans devoir acquitter des

droits autres ou plus forts que ceux auxquels les propres citoyens du pays seront eux-mêmes tenus.

V. Les citoyens de chacune des deux Parties Contractantes qui se trouvent dans les territoires de l'autre, seront affranchis de tout service militaire obligatoire tant dans l'armée et la flotte, que dans la garde nationale ou civique ou les milices ; ils seront également exempts de toute prestation pécuniaire ou matérielle imposée par compensation pour le service personnel, tout comme des réquisitions militaires, excepté pour les logements et les fournitures pour le militaire en passage, selon l'usage du pays, et à demander également aux citoyens et aux étrangers.

VI. En temps de paix comme en temps de guerre, il ne pourra dans aucune circonstance être imposé ou exigé pour les biens d'un citoyen de l'une des deux Parties Contractantes, dans les territoires de l'autre, des taxes, droits, contributions ou charges plus forts qu'il n'en serait imposé ou exigé pour la même propriété, si elle appartenait à un citoyen du pays, ou à un citoyen ou un sujet de la nation la plus favorisée.

Il est d'ailleurs entendu qu'il ne sera perçu ni demandé d'un citoyen de l'une des deux Parties Contractantes qui se trouve dans le territoire de l'autre partie, aucun impôt que ce soit, autre ou plus fort que ceux qui sont ou qui pourront être imposés ou levés d'un citoyen du pays ou d'un citoyen ou sujet de la nation la plus favorisée.

VII. Il sera loisible aux deux Parties Contractantes de nommer des Consuls pour résider dans les territoires de l'autre. Mais avant qu'un Consul puisse agir en cette qualité, il devra être reconnu et admis dans la forme ordinaire, par le Gouvernement auprès duquel il est délégué, et chacune des deux Parties Contractantes pourra excepter de la résidence de Consuls des places spéciales, selon qu'elle le jugera nécessaire.

Les Consuls de chacune des deux Parties Contractantes jouiront sur les territoires de l'autre de tous les privilèges, exemptions et immunités qui sont ou qui pourront être accordés aux Consuls de la même catégorie et du même rang de la nation la plus favorisée.

VIII. Les deux Parties Contractantes s'engagent à traiter les citoyens respectifs dans tout ce qui touche l'importation, l'entrepôt, le transit et l'exportation de tout article d'un commerce légal, sur le même pied que les citoyens du pays ou que les citoyens ou sujets de la nation la plus favorisée, dans tous les cas où ces derniers jouiraient d'un avantage exceptionnel non accordé aux nationaux.

IX. Aucune des deux Parties Contractantes ne pourra exiger pour l'importation, l'entrepôt, le transit ou l'exportation des produits du sol ou des manufactures de l'autre, des droits plus élevés que ceux qui sont ou qui pourront être imposés sur les mêmes articles, étant les *produits du sol* ou des manufactures de tout autre pays.

étranger. Les droits d'entrée à payer en Belgique sur les produits d'origine ou de manufacture Suisse, seront donc, dès l'entrée en vigueur du Traité actuel, réduits au taux accordé à la nation la plus favorisée et perçus d'après les mêmes règles et sous les mêmes conditions.

Toutefois, par dérogation provisoire et pendant deux années, à compter du jour de la mise en vigueur du présent Traité, le nouveau régime sera appliqué de la manière suivante aux produits d'origine Suisse ci-après dénommés :

Le droit sur les étoffes de laine mélangées de coton sera de 22½ pour cent pendant la première année et de 20 pour cent pendant la seconde. Pendant la durée du régime transitoire, l'importateur pourra, à son choix, payer 180 francs par 100 kilogrammes ou les droits stipulés ci-dessus.

Le droit sur les tissus de coton imprimés sera de 150 francs par 100 kilogrammes.

Les fils de coton payeront les droits fixés par l'arrêté royal du 1er Septembre dernier ci-annexé.

La Confédération Suisse s'engage à son tour à réduire, dès l'entrée en vigueur du Traité actuel et au taux suivant, les droits d'entrée sur les articles ci-après énoncés et de provenance Belge :

Bouteilles ordinaires de verre vert ou brun . . . . .	1 50	les 100 kilog. bruts.
Poterie commune, vases et cruches de grés . . . . .	1 50	„
Armes de toute espèce . . . . .	4 0	„
Papier à imprimer, collé ou non, papier à écrire et à lettres, uni . . . . .	7 0	„
Couvertures en coton, communes, sans aucun travail à l'aiguille ou de passementerie . . . . .	4 0	„

Le droit d'entrée sur les bougies stéariques sera de 20 francs sur 100 kilogrammes bruts à compter du 1er Janvier, 1864, et de 16 francs à compter du 1er Juillet, 1864.

La Confédération Suisse s'engage, de plus, à ne pas élever les droits de consommation perçus dans les cantons sur les eaux-de-vie et liqueurs de provenance Belge, au dessus du taux actuel pendant toute la durée du présent Traité.

X. Aussi longtemps que les tarifs, applicables en vertu du présent Traité, constitueront un régime de faveur pour de certains objets ou des marchandises, l'importateur devra justifier l'application des taux réduits, en présentant à la Douane respective soit une déclaration officielle, faite devant un magistrat siégeant au lieu d'expédition, soit un certificat délivré par les chefs de service des Douanes du bureau d'exportation, soit un certificat délivré par un Agent Consulaire appartenant au pays de réception et siégeant dans le pays d'expédition.

Il est entendu, toutefois, que ces justifications d'origine ne pourront être exigées de part et d'autre, que pour autant et aussi longtemps qu'elles seront imposées dans l'un ou l'autre pays, à l'égard des marchandises de même nature provenant de la nation la plus favorisée.

XI. La Confédération Suisse s'engage à ne pas élever, pendant la durée du présent Traité, à l'égard de la Belgique, les droits d'entrée, de sortie et de transit, tels qu'ils sont établis dans le tarif des péages actuellement en vigueur en Suisse, et modifiés, pour quelques produits, dans l'Article IX qui précède.

Ne sont pas exclues, toutefois, les rectifications du tarif Suisse, qui constituent des simplifications sans augmentation du droit, et spécialement la réunion des huiles grasses, qui figurent maintenant dans deux classes différentes, dans une seule classe moyenne, à taxer à un droit qui ne doit pas dépasser 1 franc par 100 kilogrammes.

Le Gouvernement Belge s'engage, de son côté :—1°. A ne pas élever, pendant le même laps de temps, sur les produits d'origine ou de manufacture Suisse, les droits fixés dans le tarif annexé au Traité Franco-Belge du 1er Mai, 1861 ;\* 2°. A ne pas élever, à l'égard de la Suisse, les droits de sortie, fixés par le même Traité ; 3°. A maintenir le régime de libre transit actuellement en vigueur.

Ne sont pas exclues, toutefois, les modifications que le Gouvernement Belge pourrait être dans le cas d'apporter à son tarif des droits d'entrée, en vertu de la faculté qui lui est réservée par les Articles V à X du Traité Franco-Belge du 1er Mai, 1861.

Réciproquement, la Suisse pourra user, dans les mêmes conditions, de la faculté réservée à la Belgique, par les Articles V à X du Traité Franco-Belge.

Les deux Parties Contractantes s'engagent, de plus, pour le cas où l'une d'elles accorderait dorénavant à une troisième Puissance quelque faveur en matière de commerce ou de douane, à étendre en même temps et de plein droit cette faveur à l'autre Partie Contractante.

Il est entendu que, aussi longtemps que le tarif général des douanes, actuellement en vigueur en Belgique, sera maintenu, il sera loisible aux importateurs de marchandises Suisses d'en réclamer l'application, en mentionnant leur option dans leurs déclarations en douane ; mais le Gouvernement Belge se réserve, de son côté, le droit de modifier ou d'abolir ledit tarif général, quand il le jugera à propos.

XII. Les objets, passibles d'un droit d'entrée, qui servent d'échantillons et qui sont importés en Belgique, par des commis-voyageurs de maisons Suisses, ou importés en Suisse, par des commis-voyageurs de maisons Suisses, ou importés en Suisse, par des com-

Les voyageurs de maisons Belges, seront, de part et d'autre, admis en franchise temporaire, moyennant les formalités de Douane nécessaires, pour en assurer la réexportation ou la réintégration en entrepôt. Ces formalités seront réglées d'un commun accord entre les deux Gouvernements, et on les simplifiera autant que possible.

XIII. Les stipulations du présent Traité seront exécutoires dans ces deux États dès 15 jour après l'échange des ratifications. Le Traité restera en vigueur pendant 10 ans, à dater du jour de l'échange des ratifications. Dans le cas où aucune des deux Hautes Parties Contractantes n'aurait notifié, 12 mois avant la fin de ladite période, son intention d'en faire cesser les effets, le Traité demeurera obligatoire jusqu'à l'expiration d'une année, à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncé.

Les Hautes Parties Contractantes se réservent la faculté d'introduire, d'un commun accord, dans ce Traité, toutes modifications qui ne seraient pas en opposition avec son esprit ou ses principes et dont l'utilité serait démontrée par l'expérience.

XIV. Le présent Traité sera soumis à l'assentiment des Chambres Législatives de la Belgique et de la Suisse, et les ratifications en seront échangées à Berne, dans les 6 mois à dater de la signature, ou plus tôt, si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont signé le Traité et y ont apposé leurs sceaux.

Ainsi fait par duplicata à Berne, le 11 Décembre, 1862.

(L.S.) GRIMBERGHE.

(L.S.) F. FREY-HEROSEE.

#### DECLARATION BELGE ET SUISSE.

*Berne, le 11 Décembre, 1862.*

Les Plénipotentiaires Belge et Suisse s'étant réunis à l'effet de procéder à la signature du Traité d'établissement et de commerce qu'ils ont conclu sous la date de ce jour, ont arrêté, de commun accord, qu'il reste bien entendu qu'il n'est pas dérogé, par ledit Traité, aux dispositions de l'Article VIII du Traité de Commerce, non plus qu'à celle de l'Article XIV du Traité de navigation, conclus entre la Belgique et la France, le 1 Mai, 1861.

Ils sont convenus, en outre, que, à partir de la mise en vigueur du présent Traité, la taxe de 12 francs par 100 kilogrammes, qui grève la gobeletterie, unie ou moulée, à l'entrée en Belgique, sera remplacé par un droit de 10 pour cent., *ad valorem*, et que le pechemin, soumis à un droit de 30 francs par 100 kilogrammes, sera libre à l'entrée dans le même pays.

(L.S.) GRIMBERGHE.

(L.S.) F. FREY-HEROS



## DECLARATION SUISSE.

*Berne, le 11 Décembre, 1862.*

LE Plénipotentiaire Suisse déclare que le Conseil Fédéral Suisse s'efforcera de procurer, le plus tôt possible, et sous titre de réciprocité, à la Belgique, les avantages résultant d'un Traité qui existe entre le canton de Genève et la France, et d'un concordat conclu entre différents cantons pour ce qui concerne la garantie de la propriété littéraire et artistique. Il maintiendra dorénavant la Belgique dans la position de la nation la plus favorisée, pour tout ce qu'il arrêtera dans cette matière avec des Gouvernements étrangers.

(L.S.) F. FREY-HEROSEE.

## DECLARATION BELGE ET SUISSE.

LES Plénipotentiaires de Sa Majesté le Roi des Belges et du Haut Conseil Fédéral Suisse, s'étant réunis pour procéder à l'échange des ratifications du Traité d'amitié, d'établissement et de commerce, conclu entre la Belgique et la Suisse le 11 Décembre 1862, ont déclaré et inséré dans le présent procès-verbal qu'il est bien entendu que le sens dudit Traité est tel que tout avantage qui serait accordé dans la suite par l'une des deux Hautes Parties Contractantes, aux ressortissants d'un autre Etat, par rapport à l'établissement, le séjour, l'exercice de professions licites, les impôts, les taxes, en un mot pour toutes les conditions relatives au séjour et à l'établissement, sera accordé en même temps aux ressortissants de l'autre partie et que l'une des deux parties traitera toujours les ressortissants de l'autre partie comme elle traitera sous ce rapport les ressortissants de la nation la plus favorisée.

Ainsi fait à Berne, le 3 Juin, 1863.

(L.S.) GRIMBERGHE.

(L.S.) F. FREY-HEROSEE.

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**CONVENTION** entre la Belgique et les Pays-Bas, modifiant le Règlement du 20 Mai, 1843,\* relatif à la Navigation du Canal de Gand à Terneuzen.—Conclu à La Haye, le 24 Septembre, 1862.

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[Ratifications échangées à La Haye, le 6 Janvier, 1863.]

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SA Majesté le Roi des Belges et Sa Majesté le Roi des Pays-Bas, ayant jugé utile de modifier les dispositions en vigueur relativement à la police et à la navigation du canal de Gand à Terneuzen, et de laisser désormais à chaque Gouvernement la faculté d'arrêter, après entente préalable, les règlements destinés à régir cette matière, à

l'instar de ce qui se pratique pour le canal de Maestricht à Bois-le-Duc, ont nommé à cet effet, pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges :

Le Sieur Aldephonse-Alexandre-Félix Baron du Jardin, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Pays-Bas.

Sa Majesté le Roi des Pays-Bas :

Les Sieurs Messire Paul Vander Maesen de Sombreff, son Ministre des Affaires Etrangères, Johan-Rudolph Thorbecke, son Ministre de l'Intérieur, et Gérardus-Henri Betz, son Ministre des Finances.

Lesquels, après avoir échangé leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus de ce qui suit :

ART. I. Sont rapportées, avec les dispositions ultérieurement arrêtées pour la police de la navigation à vapeur sur le canal, les dispositions ci-après indiquées du règlement signé à Anvers, le 20 Mai, 1843,\* pour l'exécution de l'Article X du Traité du 19 Avril, 1839,† et du chapitre II, section 2 du Traité du 5 Novembre, 1842,‡ relativement à la police et à la navigation du canal de Gand à Terneuzen :

Titre II. Police de la navigation ;

Titre III. Police des bords, des talus, des ouvrages d'art et du lit du canal.

Articles XLI et XLII, portant pour titre : Dispositions communes aux titres II et III ;

Titre IV. Halage des navires et bateaux.

II. Le titre contenant les dispositions générales et portant le numéro V, prend le numéro II.

Les 7 premiers Articles portant les numéros LIV, LV, LVI, LVII, LVIII, LIX, et LX sont remplacés par les 6 Articles ci-après, sous les numéros XIII, XIV, XV, XVI, XVII, et XVIII, savoir :

“ Art. XIII. Les autorités locales des communes riveraines du canal et tous officiers et agents de la force publique seront tenus, lorsqu'ils en seront requis, de prêter ou faire prêter main forte pour l'exécution des dispositions contenues dans le présent règlement.

“ Art. XIV. Tous capitaines, patrons, bateliers, hommes d'équipage et haleurs devront traiter avec égards les employés chargés de la perception des droits de navigation dans l'exercice de leurs fonctions. Ceux qui, à l'occasion de cet exercice, leur susciteraient des entraves ou les maltraiteraient par paroles ou voies de fait, seront poursuivis et punis conformément aux lois pénales des pays respectifs.

“ Art. XV. De leur côté, les employés chargés de la perception

\* Vol. XXXVII. Page 1249.

† Vol. XXXVII. Page 1320.

‡ Vol. XXXI. Page 816.

se conduiront avec déférence envers tous ceux avec lesquels ils ont des relations dans l'exercice de leurs fonctions.

“Toute plainte à laquelle leur conduite pourra donner lieu sera adressée au directeur des domaines compétent afin d'y donner la suite nécessaire.

“Art. XVI. Les contraventions seront constatées par procès-verbaux, à la diligence des employés chargés de la perception ayant qualité à cet effet.

“Art. XVII. Lors même qu'un capitaine ou batelier se croira lésé, soit par la manière d'agir des employés chargés de la perception, soit par les droits qu'ils auraient réclamés, il n'en devra pas moins se soumettre à ce qui aura été exigé de lui, sauf à exercer ensuite son recours près de l'autorité compétente, afin de redressement et de restitution s'il y a lieu.

“Art. XVIII. Les préposés chargés de la perception des droits n'apporteront aucun retard à l'expédition des navires et bateaux.

“Les Articles LXI, LXII, LXIII, et LXIV du titre V ancien forment les Articles XIX, XX, XXI, XXII du titre II nouveau.”

III. Est rapportée aussi la Convention signée à La Haye le 24 Avril, 1851 autorisant la navigation à vapeur sur le canal de Gand à Terneuzen.

IV. De même que cela se pratique pour le canal de Maestricht à Bois-le-Duc, par application de l'Art. LV du Traité du 5 Novembre, 1842, chaque Gouvernement arrêtera dorénavant, toutefois après entente préalable, les règlements de police et de navigation pour la partie du canal de Gand à Terneuzen située sur son territoire.

Article transitoire. Les stipulations de la Convention du 24 Avril, 1851, et celles, tant du règlement du 20 Mai, 1843, que des arrangements ultérieurs, relativement à la police de la navigation à vapeur sur le canal, rapportées par la présente Convention, continueront à être appliquées dans les deux Etats jusqu'à ce que les deux Gouvernements aient, après accord préalable, arrêté, chacun en ce qui concerne son territoire, les dispositions réglementaires destinées à remplacer lesdites stipulations.

La présente Convention sera ratifiée et les ratifications seront échangées à La Haye, dans l'espace de 3 mois, ou plus tôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé leurs cachets.

Fait à La Haye, en double original, le 24 Septembre, 1862.

(L.S.) BARON DU JARDIN.

(L.S.) VAN DER MAESEN DE SOMBREFF.

(L.S.) THORBECKE.

(L.S.) G. H. BETZ.

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*DISCOURS du Prince Rénant, à l'Ouverture de l'Assemblée Elective de Moldavie.—Jassy, le 25 Décembre, 1861.*

Par la double élection des 5 et 24 Janvier, 1859, ainsi que par les votes réitérés des corps législatifs, la Nation Roumaine m'a conféré la haute mission de réaliser l'idée de l'union des Principautés.

Connaissant les difficultés que présente cette mission, la nation et ses mandataires m'ont confié le soin de choisir le moment le plus opportun et les moyens les plus sûrs pour l'accomplir.

Fier de la confiance de la nation, convaincu qu'une cause grande et juste ne saurait périr, pénétré de la sainteté de mes devoirs, comme Prince et comme Roumain, je n'ai épargné aucun effort ; j'ai appelé à mon aide toute la patience, toute la modération, toute la prudence si nécessaires pour consolider l'édifice de la nationalité Roumaine.

Après 3 ans d'efforts non interrompus, nous sommes, cette fois, bien fondés à croire que l'Union nous est enfin acquise.

Mais pour ne pas perdre les fruits précieux que le pays attend avec une légitime impatience, de la seule combinaison qui puisse assurer son avenir, il est indispensable, Messieurs, que dans cette phase solennelle, tous les Roumains, oubliant les discordes et les luttes nées de ce long état de transition où nous nous sommes trouvés, unissent leurs efforts dans la pensée commune de fonder le bonheur de la patrie.

Cet appel que je fais à l'esprit de concorde et de patriotisme des Roumains, je me plais à croire, Messieurs, qu'il sera entendu de tous. C'est par là seulement que nous pourrons inaugurer, sous d'heureux auspices, l'ère nouvelle qui s'ouvre devant nous.

Je suis convaincu que les mandataires de la nation apporteront à cette œuvre tout leur concours, et consacreront aux intérêts les plus urgents du pays, le peu de temps qui nous sépare encore de l'heure où l'union sera réalisée.

La branche de l'administration qui a le plus souffert des difficultés inhérentes à cette époque de transition, c'est celle des finances.

Vous le savez, Messieurs, depuis mon avènement au trône, un seul budget a été voté, et cela 6 mois après l'ouverture de l'exercice pour lequel il avait été fait. L'année 1861 touche à sa fin, et le budget qui la concerne n'est pas voté.

Un état de choses aussi anormal, causé, il est vrai, par l'incertitude de notre situation politique, ne saurait se prolonger sans compromettre les plus graves intérêts de l'état, et sans exercer même sur l'organisation politique à laquelle nous aspirons une influence funeste.

Un règlement financier basé sur les principes d'un contrôle

sévère pour tout ce qui concerne l'emploi des fonds publics, vient d'être adopté aussi en Moldavie, après une expérience d'un an qui en a été faite en Valachie. Ce règlement aura donc pour effet, non seulement d'établir l'uniformité du système financier en Roumanie, mais encore de renfermer les dépenses de l'Etat, plus strictement que par le passé, dans les limites des votes émis par l'Assemblée.

Le budget de l'année 1862, qui doit vous être présenté par mon Ministère, a été élaboré d'après le système de comptabilité établi par ce règlement.

D'après les principes financiers adoptés partout ailleurs, les budgets se votent avant l'ouverture des exercices auxquels ils se rapportent. Je recommande donc à l'attention la plus sérieuse de l'Assemblée, le budget de l'année 1862.

Je vous annonce en même temps, Messieurs, que j'ai aussi adhéré au vote des deux Assemblées demandant leur réunion à Bucharest, à l'effet de délibérer sur le projet de loi rurale élaboré par la Commission Centrale.

Que Dieu vous éclaire, Messieurs, dans vos travaux, et vous tienne en sa sainte garde.

La session de l'Assemblée de Moldavie, pour l'année 1861-1862, est ouverte.

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*TREATY of Friendship, Commerce, and Navigation, between Venezuela and the Hanse Towns.—Signed at Caracas, March 31, 1860.*

(Translation.)

COMMERCIAL relations having been for some time past established between the Venezuelan and Hanseatic territories, it has been considered advantageous for the security and advancement of their reciprocal interests that those relations should be confirmed and protected by means of a Treaty of Friendship, Commerce, and Navigation.

For this purpose they have appointed their respective Plenipotentiaries, that is to say :

His Excellency the Vice-President of the Republic of Venezuela having charge of the Executive Power, Jesus Maria Morales Marcano, Minister and Secretary of State in the Department of Foreign Affairs, and

The Senate of the Republic and Free and Hanseatic City of Lubeck, the Senate of the Republic and Free and Hanseatic City of Bremen and the Senate of the Republic and Free and Hanseatic

City of Hamburgh, each separately, Johannes Röhl, Consul for Hamburgh at La Guayra, who, after having communicated to each other their full powers, which were found to be in good and due form, have agreed upon the following Articles :

ART. I. There shall be perfect and perpetual peace, sincere and unalterable friendship between the Republic of Venezuela and the Hanseatic Republics, and between their citizens and people.

II. There shall also be reciprocal freedom of commerce and navigation between the Republic of Venezuela and the Hanseatic Republics ; therefore the citizens of any one of them may freely and securely go with their vessels and cargoes to all those places, ports, and rivers in the territories and dominions of the others to which other foreigners are allowed, or may be allowed to go ; to enter, remain, and reside therein, hire and occupy houses and warehouses for the purposes of their commerce, subject, however, to the laws and statutes of the countries respectively.

III. The citizens of the Contracting Republics residing in or passing through the territories of each other, shall enjoy for their persons and property, and in the exercise of their occupation and their religion, the same protection, the same securities, and the same rights and privileges as are conceded, or may hereafter be conceded, to the citizens or subjects of the most favoured nation ; they shall have free and easy access to the courts of justice to assert and defend their rights and interests, under the same conditions as are imposed upon the natives of the Republic in which they reside ; they cannot be compelled to serve in the regular Army nor in the Navy, nor to contribute to forced loans, nor to pay other or higher taxes of any kind or denomination than those which are paid, or may hereafter be paid, by the citizens of the country where they may be. Neither can the vessels, crews, merchandise, and effects belonging to them be embargoed or detained for any military expedition or public uses, without a sufficient indemnification to those interested.

IV. If property belonging to the citizens of Venezuela, situated in the territory of the Free and Hanseatic Cities of Lubeck, Bremen, and Hamburgh, or the property of a citizen of the Free and Hanseatic cities of Lubeck, Bremen, and Hamburgh, situated in the territory of Venezuela, should be taken away or depreciated by the lawful authorities of the respective nations, on reclamation and proof by those interested before the Supreme National Government, with the legal formalities showing the deprivation or depreciation sustained, a just indemnification shall be granted to the owner of the property taken away or depreciated ; but in all other cases wherein, by reason of the disturbance of public order, the citizens of the Republic of Venezuela may suffer damage or prejudice to their interests or property in the territory of the Free and

Hanseatic Cities of Lubeck, Bremen, and Hamburgh, or the citizens of those Republics to their interests or property in the territory of the Republic of Venezuela, they may claim from those who are liable every kind of indemnity, subject to the ordinary laws in force in the countries where the injuries have occurred, and in the cases prescribed by them.

V. It has also been agreed that the citizens of each of the Contracting Parties may dispose of their personal property within the limits of the jurisdiction of the other, by sale, donation, will, or in any other manner, and their heirs, if they should be citizens of the other party, shall succeed to the said personal property, whether by will or *ab intestato*, and may take possession thereof either personally or through others that act for them, and may dispose thereof according to their pleasure, paying only the same charges as the inhabitants of the country wherein the property is, would have to pay under the like circumstances. And if in the case of landed property, the heirs should be prevented from taking possession of the inheritance by reason of their being foreigners, the term of 3 years shall be given to them to dispose of it as they may think proper, and to withdraw the proceeds without interference, and exempt from any right to deduction on the part of the Governments of the respective States.

VI. In everything relating to the police of the ports, loading, and unloading the vessels, security of the merchandize, property, and effects, the citizens of the Contracting Parties shall be subject to the local laws and regulations, and they shall also enjoy the same rights and privileges as the inhabitants of the country in which they reside.

VII. All Venezuelan and Hanseatic vessels recognized as such in the countries to which they respectively belong, according to the laws and regulations now in force, or which may be hereafter promulgated, shall be reciprocally considered as such by the Contracting Parties; it is understood, however, that every vessel must be provided with a sea letter, or passport, issued by the competent authority.

VIII. Venezuelan vessels arriving at the ports of the Hanseatic Republics, and reciprocally Hanseatic vessels arriving at those of the Republic of Venezuela, shall be treated and considered at their entry, during their stay, and at their departure, the same as the national vessels coming from the same place, in regard to the collection of tonnage, anchorage, pilotage, lighthouse, and any other port or municipal dues, or fees to public servants, and also in regard to salvage dues in case of shipwreck or damage.

IX. All merchandize and commercial goods, without distinction as to their origin, the importation whereof is allowed in the ports of



the Republic of Venezuela, in Venezuelan vessels coming from any foreign country, may also be imported in Hanseatic vessels, without paying other or higher duties of any kind or denomination than those which are paid, or may hereafter be paid, on the same merchandize and commercial goods imported in Venezuelan vessels; and reciprocally all merchandize and commercial goods, without distinction as to their origin, the importation whereof is allowed in the ports of the Hanseatic Republics, in Hanseatic vessels, coming from any foreign country, may also be imported in Venezuelan vessels without paying other or higher duties of any kind or denomination than those which are paid, or may hereafter be paid, on the same merchandize and commercial goods imported in Hanseatic vessels. The stipulations of this Article do not invalidate or annul the laws in force in any of the Contracting Republics respecting the coasting traffic for the trade in foreign goods despatched for consumption, and the transport of native productions from port to port; but it is also agreed that the citizens of the Contracting Parties shall enjoy in this particular all the rights already granted, or that may be granted hereafter to the most favoured nation.

X. All merchandize and commercial goods, the exportation or re-exportation whereof is permitted from the ports of the Republic of Venezuela, in Venezuelan vessels, may also be exported, or re-exported in Hanseatic vessels, without paying other or higher duties of any kind or denomination, than those which are paid, or may hereafter be paid, on the same merchandize and commercial goods exported or re-exported in Venezuelan vessels; and reciprocally, all merchandize and commercial goods the exportation or re-exportation whereof is permitted from the ports of the Hanseatic Republics in Hanseatic vessels, may also be exported or re-exported in Venezuelan vessels, without paying other or higher duties of any kind or denomination than those which are paid, or may hereafter be paid, on the same merchandize and commercial goods, exported or re-exported in Hanseatic vessels. And the same premiums, discounts, duties, or bounties shall be granted whether the exportation or re-exportation from either country take place in Venezuelan or in Hanseatic vessels.

XI. No other or higher duties of any kind or denomination shall be paid in the territories of the Republic of Venezuela, or in those of the Hanseatic Republics, on the importation or on the re-exportation of any articles of the natural produce or manufacture of either country, than those which are paid, or may hereafter be paid, on similar articles of the natural produce or manufacture of any other nation.

It is, moreover, stipulated that for the effects of this Article, the manufactured produce of any country bordering on the Republic

of Venezuela, is also to be considered and reputed as Venezuelan, when it is exported from the Venezuelan ports; and that the natural and manufactured produce of all the states of the German Confederation, is also to be considered and reputed as Hanseatic, when exported from Hanseatic ports; and it is also agreed that in these cases the Venezuelan and Hanseatic vessels shall be equally favoured by both the Contracting Parties.

XII. No other or higher duties of any kind or denomination shall be paid either in the Republic of Venezuela or in the Hanseatic Republics, on the exportation of articles from one of them to the other, than those which are paid, or may hereafter be paid, on the exportation of such articles to any foreign country; nor shall the importation, exportation, or re-exportation of any article of the natural produce or manufacture of the respective countries, be prohibited in any of the Contracting Republics, unless the prohibition be extended to the commerce of all nations.

XIII. The Republic of Venezuela and the Hanseatic Republics reciprocally bind themselves not to grant particular favours to other nations in regard to commerce and navigation, which shall not be immediately common to both parties, and they shall enjoy them freely if the concession should have been made freely, or on giving the same compensation, if the concession should have been conditional.

XIV. Whenever the citizens of either of the Contracting Parties may be under the necessity of seeking refuge or asylum in the rivers, bays, ports, or dominions of the other, with their vessels, on account of bad weather, pursuit of pirates or enemies, they shall be received and treated with humanity; all requisite favour and protection being afforded to them for the reparation of the damages they may have suffered for procuring provisions, and for enabling them to continue their voyage, without obstacle or impediment of any kind. In all the territories and dominions of each of the Contracting Parties, leave shall be granted to the vessels of the other whose crews may have been diminished by sickness or any other cause, to recruit such seamen as may be necessary to enable them to continue their voyage, provided that the local regulations be observed, and that the recruitment be voluntary.

XV. Whenever any vessel belonging to citizens of either of the Contracting Parties may be shipwrecked, run aground, or suffer any damage on the coasts, or in the dominions of the other, all aid and protection shall be given to them, according to the use and custom of the nation where the damage occurs, with its own vessels; allowing them to unload if necessary, without collecting any duty, impost, or tax, on that account, unless the merchandize or goods unloaded should be intended for consumption.

XVI. All vessels, merchandize, and goods belonging to citizens

of one of the Contracting Parties, which may be captured by pirates, whether within the limits of its own jurisdiction or on the high seas, and be taken to the rivers, roadsteads, bays, ports or dominions of the other, shall be delivered to the owners thereof, on their proving their rights in due and proper form before the competent tribunals: on the understanding, however, that the claim is to be made within the space of a year, by the parties themselves, their attorneys, or the Agents of the respective Governments

XVII. In case one of the Contracting Parties should be at war, while the other remains neutral, it is agreed that whatever may have been stipulated between the belligerent party and other Powers in favour of the neutral flag, shall also serve as a rule between the Republic of Venezuela and the Hanseatic Republics; and in order to prevent any doubt as to what is to be considered as contraband of war, it has been agreed (saving the general principle expressed above) to restrict the definition thereof to the following articles:

1. Cannon, mortars, howitzers, swivel-guns, blunderbusses, muskets, guns, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, grenades, bombs, gunpowder, matches, balls, with all other things belonging to the use of these arms.

2. Shields, helmets, breast-plates, coats of mail, equipments, military uniforms.

3. Belts, and horses with their arms and harness.

- 4 And finally, all kinds of arms and instruments of iron, steel, bronze, copper, and any other materials manufactured, prepared, or formed expressly for carrying on war by sea or land.

XVIII. In case that any merchant-vessel of one of the Contracting Parties should be visited by a man-of-war belonging to the other, it has been agreed that such visitation shall only be made by a boat, with as many men as are necessary to manage it; the visited vessel remaining out of cannon shot. The examination of the papers must only take place on board the visited vessel, from which they must not be taken, nor can the captain or officers be required to go on board the examining vessel on any pretence. The commanders of armed vessels are responsible in person and property for any infraction of these rules, and for any unjust and irregular conduct.

XIX. To prevent any doubt and any abuse in the examination of the papers respecting the ownership of vessels belonging to citizens of the Contracting Parties, and the nature of the cargoes, the parties have agreed that in case one of them should be at war, the sea-letters or passports which the vessels are to carry in conformity with Article VII of this Treaty, must express the name, ownership and size of the vessel, as well as the name and place of residence of the master or commander, and must, besides, be provided with certificates containing the details of the cargo, and the

place from whence it came, which certificates are to be given by the officers of the place whence it came in the customary form. The neutral vessel cannot be detained for want of the aforesaid requirements, nor of any other respecting the ownership or the nature of its cargo, if the declaration of war was not known at the place whence it came before its departure.

XX. It has been further agreed, that the courts established for prize cases in the country to which the prizes may be brought, shall alone take cognizance thereof. And whenever the said courts of either of the parties shall pass sentence against any vessel or goods, or property claimed by the citizens of the other, the sentence or decree shall mention the reasons or grounds on which it is founded, and shall deliver, without any delay, to the commander or agent of the said vessel, if it be asked for, an authentic voucher of the sentence or decree, or of the whole proceedings, on payment of the legal fees.

XXI. For the greater security of the citizens of the Contracting Republics, it has been agreed that if, unfortunately, there should at any time occur any interruption of the commercial and friendly correspondence or any breach between them, the citizens of either of the two Contracting Parties residing in the dominions of the other shall have the right of remaining and continuing in the exercise of their calling without any kind of interruption, so long as they conduct themselves peaceably and do not infringe the laws ; and their goods and properties, whether confided to private persons or to the State, shall not be subject to seizure or sequestration, nor to any other burthens than those which may be imposed on similar goods or properties belonging to citizens of the country in which they reside.

XXII. The Diplomatic Agents of both parties shall enjoy the same favours, immunities, exemptions, and privileges as are conceded, or may hereafter be conceded, by any of the Contracting Republics to the Diplomatic Agents of the most favoured nation.

XXIII. The Contracting Parties may establish Consuls and Vice-Consuls in the ports and places of the respective territories, open to foreign commerce, wherein those of any other nation are admitted, or may hereafter be admitted ; and they shall enjoy the rights and privileges which are generally conceded by the law of nations to functionaries of that class. The archives and papers of the Consulates shall be inviolably respected, and no magistrate shall seize them under any pretext, nor interfere with them in any way.

XXIV. The said Consuls and Vice-Consuls of each of the Contracting Parties shall have the right of acting as judges or arbitrators in the disputes which may occur between the masters or captains and the crews of the vessels of the nation whose interests they

have under their charge, without the intervention of the local authorities, unless the conduct of the crews, or of their captains might disturb the order and tranquility of the country, or that the aforesaid Consuls and Vice-Consuls should require the assistance of those authorities for the execution and support of their judgments. But it is understood that this kind of judgments, or arbitrations, does not deprive the litigating parties of their right to appeal on their return, to the tribunals of their own nation.

XXV. The said Consuls shall have the power of requiring the assistance of the local authorities for the apprehension, detention, and custody of deserters from the vessels of their country, and for this purpose they shall apply to the competent authorities, and shall claim the said deserters in writing, proving by the exhibition of the registers of the vessels, the roll of the crew, or other public documents, that those men formed part of the said crews, and the claim being thus proved, their delivery shall not be denied. Such deserters, as soon as they have been apprehended, shall be placed at the disposal of the said Consuls, and they may be confined in the public prisons, at the care and expense of those who have claimed them, in order to be sent on board the vessels to which they belong, or others of the same nation. But if they should not be sent away within 4 months, reckoned from the day of their apprehension, they shall be set at liberty, and they cannot be apprehended again for the same reason.

XXVI. If any one or more of the citizens of either party should infringe any of the Articles contained in this Treaty, the said citizens shall be personally responsible, and the harmony and good understanding between the respective Governments shall not be thereby interrupted, each party undertaking not to protect the offender in any way, nor to sanction such violation.

XXVII. If, though in truth it is not to be expected, any one or more of the Articles contained in the present Treaty should be in any other way infringed or violated, it is expressly stipulated that neither of the two Contracting Parties shall order or authorize any acts of reprisal, nor shall declare war against the other, on complaints of injuries or damages, until the party which thinks itself injured shall have presented to the other a statement of such injuries or damages, verified by sufficient proofs and vouchers, requiring justice and satisfaction, and these have been denied or deferred without reason.

XXVIII. The present Treaty shall be of perpetual obligation in all that relates to peace and friendship; and on those points relating to commerce and navigation, it shall remain in force and vigour for the term of 12 years, reckoned from the date of the exchange of the ratifications. Notwithstanding the aforesaid, if neither of the parties

should notify to the other, one year before the expiration of the said term of validity, that its intention is to put an end to the Treaty, it shall continue always obligatory on both parties, until one year after notice has been given of the said intention.

XXIX. Although the present Treaty is common to the 3 Hanseatic Republics of Hamburg, Lubeck, and Bremen, it has also been agreed that the Sovereign Governments of those cities shall not be jointly responsible, and that the stipulations of the Treaty shall remain in full vigour relatively to the other of the said Republics, although it should cease to be so in regard to any one of them.

XXX. When the present Treaty of Friendship, Commerce, and Navigation, shall have been ratified by His Excellency the President, or by the magistrate having charge of the Executive Power of the Republic of Venezuela, with the previous assent and approval of the Congress thereof, and by the Senates of the Hanseatic Republics, the ratifications shall be exchanged at Caracas, within the space of 12 months, or before, if possible.

In faith whereof, we, the Plenipotentiaries of the Parties, have signed and sealed these presents.

Done in the city of Caracas, on the 31st of March, 1860.

(L.S.) JESUS MARIA MORALES MORCANO.

(L.S.) JOHANNES ROHL.

*ACCESSION of the Grand Duke of Hesse to the Conventions, concluded May 13, 1846,\* and June 14, 1855,† between Great Britain and Prussia, for the Establishment of International Copyright.—Signed at Berlin, November 19, 1861.*

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi de Prusse, ayant conclu à Berlin, le 13 Mai, 1846, une Convention pour la protection réciproque des droits d'auteur contre la contrefaçon; et l'Article VIII de cette Convention ayant stipulé que ceux des Etats Germaniques qui composent avec la Prusse l'Association de Douanes Allemande, ou qui par la suite en deviendraient parties, auraient le droit d'accéder à la dite Convention, complétée plus tard par la Convention Additionnelle du 14 Juin, 1855;

Et Son Altesse Royale le Grand Duc de Hesse désirant profiter de l'occasion qui lui est offerte d'accéder à la susdite Convention du 13 Mai, 1846, comme à la Convention Additionnelle du 14 Juin, 1855;

Les Plénipotentiaires respectifs, savoir :

De la part de Sa Majesté la Reine du Royaume Uni de la Grande

\* Vol. XXXIV. Page 4.

† Vol. XLV. Page 11.

ROYAUME DE GRANDE-BRETAGNE, PRUSSE, AN-DESSUS DU RHEN

Leurs Excellences, le Très-Honorable Lord A. D. et le Maître Plénipotentiaire

de la part de Sa Majesté le Roi de Prusse, le

Comte de Bernstorff, au Ministre d'Etat et des Aff

des de la part de Son Altesse Royale le Grand Duc de Hesse et de la

et Maître Plénipotentiaire de la part de Son Altesse Royale le Grand Duc de Hesse, ainsi que l'accepta

Altesse Royale le Grand Duc de Hesse, ainsi que l'accepta

Sa Majesté Britannique et par Sa Majesté Prussienne d

accession

En conséquence, le Plénipotentiaire de Son Altesse H

Grand Duc de Hesse déclare, en vertu de ses pleins pouv

Sa dite Altesse Royale accède, tant à la Convention du

1846, renfermant 10 Articles, et dont une copie imprimée e

annexée au présent Acte, qu'aux dispositions particulières e

et signé le même jour, et à la Convention Additionnelle du

1855, dont une copie est jointe au présent Acte; promettan

stipulations de ces deux Conventions, qui deviendront obl

pour le Grand Duché de Hesse à partir du 1 Avril, 1862, i

celles du Protocole séparé, seront exécutées par Son Altesse

le Grand Duc de Hesse en tous points, en tant qu'elles so

ables aux rapports dans lesquels le Gouvernement He

trouve vis-à-vis du Gouvernement Britannique et de ses s

déclarant que les ouvrages Anglais inscrits, en vertu de l'A

de la Convention du 13 Mai, 1846, au registre tenu à Berli

droit aussi à la protection contre la contrefaçon dans l

Duché de Hesse.

Les Plénipotentiaires de Sa Majesté la Reine du Royau

de la Grande Bretagne et d'Irlande, et de Sa Majesté l

Prusse, en vertu de leurs pleins pouvoirs, acceptant l'acce

Son Altesse Royale le Grand Duc de Hesse, promettan

stipulations de la Convention du 13 Mai, 1846, et celles de la

tion Additionnelle du 14 Juin, 1855, ainsi que les dispositio

culières du Protocole du 13 Mai, 1846, seront exécutées

Souverains respectifs en tous points vis-à-vis du Gouve

Hessois et de ses sujets, comme entre les Gouvernements Bri

et Prussien et leurs sujets; le Plénipotentiaire de Sa Maje

de Prusse déclarant en outre, que le Gouvernement Pru

chargera de faire part promptement au Gouvernement Hesso

enregistrement et de toute déposition d'ouvrages littéraires

tiques Anglais qui ont eu ou auront lieu à Berlin à partir du

1862.



Bretagne et d'Irlande, le Très Honorable Lord Augustus Loftus, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique près Sa Majesté le Roi de Prusse ;

De la part de Sa Majesté le Roi de Prusse, le Sieur Albrecht Comte de Bernstorff, son Ministre d'Etat et des Affaires Etrangères ;

Et de la part de Son Altesse Royale le Grand Duc de Hesse, le Sieur François Arnauld de Biegeleben, son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Cour de Prusse ;

Se sont réunis afin de constater en due forme l'accession de Son Altesse Royale le Grand Duc de Hesse, ainsi que l'acceptation par Sa Majesté Britannique et par Sa Majesté Prussienne de la dite accession.

En conséquence, le Plénipotentiaire de Son Altesse Royale le Grand Duc de Hesse déclare, en vertu de ses pleins pouvoirs, que Sa dite Altesse Royale accède, tant à la Convention du 13 Mai, 1846, renfermant 10 Articles, et dont une copie imprimée se trouve annexée au présent Acte, qu'aux dispositions particulières contenues dans les §§ 1—4 du Protocole séparé, également ci-jointe en copie et signé le même jour, et à la Convention Additionnelle du 14 Juin, 1855, dont une copie est jointe au présent Acte ; promettant que les stipulations de ces deux Conventions, qui deviendront obligatoires pour le Grand Duché de Hesse à partir du 1 Avril, 1862, ainsi que celles du Protocole séparé, seront exécutées par Son Altesse Royale le Grand Duc de Hesse en tous points, en tant qu'elles sont applicables aux rapports dans lesquels le Gouvernement Hessois se trouve vis-à-vis du Gouvernement Britannique et de ses sujets ; et déclarant que les ouvrages Anglais inscrits, en vertu de l'Article 11 de la Convention du 13 Mai, 1846, au registre tenu à Berlin, auront droit aussi à la protection contre la contrefaçon dans le Grand Duché de Hesse.

Les Plénipotentiaires de Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et de Sa Majesté le Roi de Prusse, en vertu de leurs pleins pouvoirs, acceptant l'accession de Son Altesse Royale le Grand Duc de Hesse ; promettant que les stipulations de la Convention du 13 Mai, 1846, et celles de la Convention Additionnelle du 14 Juin, 1855, ainsi que les dispositions particulières du Protocole du 13 Mai, 1846, seront exécutées par leurs Souverains respectifs en tous points vis-à-vis du Gouvernement Hessois et de ses sujets, comme entre les Gouvernements Britannique et Prussien et leurs sujets ; le Plénipotentiaire de Sa Majesté le Roi de Prusse déclarant en outre, que le Gouvernement Prussien se chargera de faire part promptement au Gouvernement Hessois de tout enregistrement et de toute déposition d'ouvrages littéraires ou artistiques Anglais qui ont eu ou auront lieu à Berlin à partir du 1 Avril, 1862.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Acte, et y ont apposé le cachet de leurs armes.

Fait à Berlin, le 19 Novembre, de l'an de grace, 1861.

(L.S.) AUGUSTUS LOFTUS.

(L.S.) BERNSTORFF.

(L.S.) DE BIEGELEBEN.

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*TRAITE d'Amitié, de Commerce, et de Navigation, entre la Belgique et les Iles Hawaïennes.—Conclu à Bruxelles, le 4 Octobre, 1862.*

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[Ratifications échangée à Londres, le 12 Mars, 1864.]

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SA Majesté le Roi des Belges, d'une part, et Sa Majesté le Roi des Iles Hawaïennes, d'autre part, voulant faciliter l'établissement des relations de commerce entre la Belgique et les Iles Hawaïennes et en favoriser le développement par un Traité d'Amitié, de Commerce et de Navigation propre à assurer aux deux pays des avantages égaux et réciproques, ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges, le Sieur Charles Rogier, son Ministre des Affaires Etrangères, Grand Officier de l'Ordre de Léopold, &c.

Et Sa Majesté le Roi des Iles Hawaïennes, Sir John Bowring, son Envoyé Extraordinaire et Ministre Plénipotentiaire,

Lesquels, après s'être communiqué leurs pouvoirs et les avoir trouvés en bonne et due forme, sont convenus des Articles suivants:

ART. I. Il y aura paix perpétuelle et amitié constante entre le royaume de Belgique et celui des Iles Hawaïennes, et entre les citoyens des deux pays, sans exception de personnes ni de lieux.

II. Il y aura, entre la Belgique et les Iles Hawaïennes, liberté réciproque de commerce et de navigation. Les Belges dans les Iles Hawaïennes et les sujets Hawaïens en Belgique, pourront en toute liberté et sécurité entrer avec leurs navires et cargaisons, comme les nationaux eux-mêmes, dans tous les lieux, ports et rivières qui sont ou seront ouverts au commerce étranger, sauf les précautions de police employées à l'égard des citoyens des nations les plus favorisées.

III. Les citoyens de chacune des deux Parties Contractantes pourront, comme les nationaux, sur les territoires respectifs, voyager ou séjourner, commercer en gros ou en détail, louer ou occuper les maisons, magasins et boutiques qui leur seront nécessaires, effectuer

des transports de marchandises et d'argent, et recevoir des consignations ; ils pourront aussi être admis comme cautions en douane, quand il y aura plus d'un an qu'ils seront établis sur les lieux, et que les biens fonciers ou mobiliers qu'ils y posséderont présenteront une garantie suffisante.

Ils seront, les uns et les autres, sur un pied de parfaite égalité, libres dans tous leurs achats comme dans toutes leurs ventes, d'établir et de fixer le prix des effets, marchandises et objets quelconques, tant importés que nationaux, qu'ils les vendent à l'intérieur ou qu'ils les destinent à l'exportation.

Ils jouiront de la même liberté pour faire leurs affaires eux-mêmes, présenter en douane leurs propres déclarations ou se faire suppléer par qui bon leur semblera, fondés de pouvoirs, facteurs, agents consignataires, ou interprètes, soit dans l'achat ou dans la vente de leurs biens, de leurs effets ou marchandises, soit dans le chargement, le déchargement ou l'expédition de leurs navires.

Ils auront également le droit de remplir toutes les fonctions qui leur seront confiées par leurs propres compatriotes, par des étrangers ou par des nationaux, en qualité de fondés de pouvoirs, facteurs, agents consignataires ou interprètes.

Ils se conformeront pour tous ces actes aux lois et règlements du pays, et ils ne seront assujettis, dans aucun cas, à d'autres charges, restrictions, taxes ou impôts, que ceux auxquels seront soumis les nationaux, sauf les précautions de police employées à l'égard des nations les plus favorisées.

Il est en outre spécialement convenu que tous les avantages, de quelque nature que ce soit, actuellement accordés par les lois et les décrets en vigueur dans les îles Hawaïennes ou qui le seront, à l'avenir, aux immigrants étrangers, sont garantis aux Belges établis ou qui s'établiront sur des points quelconques du territoire Hawaïen.

Il en sera de même pour les sujets Hawaïens en Belgique.

IV. Les citoyens respectifs jouiront, dans les deux États, de la plus constante et complète protection pour leurs personnes et leurs propriétés. Ils auront, en conséquence, un libre et facile accès auprès des tribunaux de justice pour la poursuite et la défense de leurs droits en toute instance et dans tous les degrés de juridiction établis par les lois. Ils seront libres d'employer, dans toutes les circonstances, les avocats, les avoués ou agents de toutes classes qu'ils jugeraient à propos de faire agir en leur nom. Enfin ils jouiront, sous ce rapport, des mêmes droits et privilèges que ceux qui seront accordés aux nationaux, et ils seront soumis aux mêmes conditions.

V. Les Belges dans les Îles Sandwich, et les Hawaïens en Belgique, seront exempts de tout service, soit dans les armées de

terre ou de mer, soit dans les gardes ou millices nationales, et ils ne pourront pas être assujettis, pour leurs propriétés mobilières ou immobilières, à d'autres charges, restrictions, taxes ou impôts, que ceux auxquels seraient soumis les nationaux eux-mêmes.

VI. Les citoyens de l'un et de l'autre Etat ne pourront être respectivement soumis à aucun embargo, ni être retenus avec leurs navires, équipages, cargaisons ou effets de commerce pour une expédition militaire quelconque, ni pour quelque usage public ou particulier que ce soit, sans que le Gouvernement ou l'autorité locale soit convenu préalablement, avec les intéressés, d'une juste indemnité pour cet usage, et de celle qui pourrait être demandée pour les torts et les dommages qui, n'étant pas purement fortuits, naîtront du service auquel ils se seront volontairement obligés.

VII. La liberté la plus entière de conscience est garantie aux Belges dans les Iles Hawaïennes et aux sujets Hawaïens en Belgique. Les uns et les autres se conformeront, pour l'exercice extérieur de leur culte, aux lois du pays.

VIII. Les citoyens des deux Parties Contractantes auront le droit sur les territoires respectifs, de posséder des biens de toute espèce, et d'en disposer de la même manière que les nationaux.

Les Belges jouiront, dans tout le territoire Hawaïen, du droit de recueillir et de transmettre les successions *ab intestat* ou testamentaires à l'égal des Hawaïens, selon les lois du pays, et sans être assujettis, à raison de leur qualité d'étrangers, à aucun prélèvement ou impôt qui ne serait pas dû par les nationaux.

Réciproquement, les sujets Hawaïens jouiront en Belgique du droit de recueillir et de transmettre les successions *ab intestat* ou testamentaires à l'égal des Belges, selon les lois du pays, et sans être assujettis, à raison de leur qualité d'étrangers, à aucun prélèvement ou impôt qui ne serait pas dû par les nationaux.

La même réciprocité entre les citoyens des deux pays existera pour les donations entre-vifs.

Lors de l'exportation des biens recueillis ou acquis, à quelque titre que ce soit, par des Belges dans les Iles Hawaïennes ou par des Hawaïens en Belgique, il ne sera prélevé sur ces biens aucun droit de détraction ou d'émigration, ni aucun droit quelconque auxquels les nationaux ne seraient pas assujettis.

IX. Seront considérés comme navires Belges dans les Iles Hawaïennes, et comme navires Hawaïens en Belgique, tous les navires qui navigueront sous les pavillons respectifs, et qui seront porteurs des papiers de bord et des documents exigés par les lois de chacun des deux Etats, pour la justification de la nationalité des bâtiments de commerce.

X. Les navires Belges qui entreront sur lest ou chargés dans les ports Hawaïens, ou qui en sortiront, et réciproquement les

navires Hawaïiens qui entreront sur lest ou chargés dans les ports de Belgique, ou qui en sortiront, soit par mer, soit par rivières ou canaux, quel que soit le lieu de leur départ ou celui de leur destination, ne seront assujettis, tant à l'entrée qu'à la sortie et au passage, à des droits de tonnage, de port, de balisage, de pilotage, d'ancrage, de remorque, de fanal, d'écluse, de canaux, de quarantaine, de sauvetage, d'entrepôt, de patente, de courtage, de navigation, de péage, enfin, à des droits ou charges de quelque nature ou dénomination que ce soit, pesant sur la coque des navires, perçus ou établis au nom et au profit du Gouvernement, de fonctionnaires publics, de communes ou d'établissements quelconques, autres que ceux qui sont actuellement ou pourront par la suite être imposés aux bâtimens nationaux.

XI. En ce qui concerne le placement des navires, leur chargement et déchargement dans les ports, rades, havres et bassins, et généralement pour toutes les formalités et dispositions quelconques auxquelles peuvent être soumis les navires de commerce, leur équipage et leur chargement, il est convenu qu'il ne sera accordé aux navires nationaux aucun privilège ni aucune faveur qui ne le soit également à ceux de l'autre Etat, la volonté des Parties Contractantes étant que, sous ce rapport aussi, leurs bâtimens soient traités sur le pied d'une parfaite égalité.

XII. Les navires de l'une des Parties Contractantes, entrant en relâche forcée dans les ports de l'autre, n'y payeront, soit pour le bâtiment, soit pour la cargaison, que les droits auxquels les navires nationaux sont assujettis en semblable cas, pourvu que la nécessité de la relâche soit légalement constaté, que les navires ne fassent aucune opération de commerce, et qu'ils ne séjournent pas plus longtemps dans le port que ne l'exige le motif qui a déterminé la relâche.

XIII. Les bâtimens de guerre et les navires baleiniers Belges auront un libre accès dans tous les ports Hawaïiens; ils pourront y séjourner, s'y réparer et y faire rafraîchir leurs équipages; ils pourront aussi aller d'un port à l'autre des Iles Hawaïiennes, pour s'y procurer des vivres frais.

Dans tous les ports à présent ouverts, comme dans tous ceux qui pourront l'être par la suite aux navires étrangers, les bâtimens de guerre et navires baleiniers Belges seront soumis aux mêmes règles qui sont ou seront imposées, et jouiront, à tous égards, des mêmes droits, privilèges et immunités qui sont ou seront accordés aux mêmes navires et bâtimens baleiniers Hawaïiens ou à ceux de la nation la plus favorisée.

XIV. Les objets de toute nature, importés dans les ports de l'un des deux Etats, sous pavillon de l'autre, quelle que soit leur origine et de quelque pays qu'ait lieu l'importation, ne payeront

d'autres ni de plus forts droits d'entrée, et ne seront assujettis à d'autres charges que s'ils étaient importés sous pavillon national.

XV. Les objets de toute nature, exportés de l'un des deux États, sous pavillon de l'autre, vers quelque pays que ce soit, ne seront pas soumis à d'autres droits ou d'autres formalités, que s'ils étaient exportés sous pavillon national.

XVI. Les bâtiments Belges dans les Iles Hawaïennes, et les bâtiments Hawaïens en Belgique, pourront décharger une partie de leur cargaison dans le port de prime abord, et se rendre ensuite, avec le reste de leur cargaison, dans d'autres ports du même État, qui seront ouverts au commerce extérieur, soit pour y achever de décharger leur chargement, soit pour y compléter leur chargement de retour, en ne payant, dans chaque port, d'autres ni de plus forts droits que ceux que payent les bâtiments nationaux dans des circonstances semblables.

En ce qui concerne l'exercice du cabotage, les navires des deux pays seront traités, de part et d'autre, sur le même pied que les navires des nations les plus favorisées.

XVII. Pendant le temps fixé par les lois des deux pays respectivement, pour l'entreposage des marchandises, il ne sera perçu aucuns droits autres que ceux de garde et d'emmagasiner, sur les objets importés de l'un des deux pays dans l'autre, en attendant leur transit, leur réexportation ou leur mise en consommation.

Ces objets, en aucun cas, ne payeront de plus forts droits, et ne seront assujettis à d'autres formalités que s'ils avaient été importés sous pavillon national, ou provenaient du pays le plus favorisé.

XVIII. Les marchandises embarquées à bord des bâtiments Belges ou Hawaïens, ou appartenant aux citoyens respectifs, pourront être transbordées, dans les ports des deux pays, à bord d'un navire destiné pour un port national ou étranger, selon les règlements douaniers du pays, et les marchandises ainsi transbordées, pour être expédiées ailleurs, seront exemptes de toute espèce de droits de douane et d'entrepôt.

XIX. Les objets de toute nature, provenant de Belgique ou expédiés vers la Belgique, jouiront, à leur passage par le territoire des Iles Hawaïennes, en transit direct ou par réexportation, du traitement applicable dans les mêmes circonstances aux objets venant ou en destination du pays le plus favorisé.

Réciproquement, les objets de toute nature, provenant des Iles Hawaïennes ou expédiés de ce pays, jouiront, à leur passage par le territoire Belge, du traitement applicable, dans les mêmes circonstances, aux objets venant ou en destination du pays le plus favorisé.

XX. Ni l'une ni l'autre des Parties Contractantes n'imposera sur les marchandises provenant du sol, de l'industrie ou des entre-

pôts de l'autre partie, d'autres ni de plus forts droits d'importation ou de réexportation que ceux qui seront imposés sur les mêmes marchandises provenant de tout autre Etat étranger.

Il ne sera imposé, sur les marchandises exportées d'un pays vers l'autre, d'autres ni de plus forts droits que si elles étaient exportées vers tout autre pays étranger.

Aucune restriction ni prohibition d'importation ou d'exportation n'aura lieu dans le commerce réciproque des Parties Contractantes, qu'elle ne soit également étendue à toutes les autres nations.

XXI. Il pourra être établi des Consuls-Généraux, des Consuls, des Vice-Consuls et des Agents Consulaires de chacun des deux pays dans l'autre, pour la protection du commerce; ces agents n'entreront en fonctions et en jouissance des droits, privilèges et immunités qui leur reviendront, qu'après en avoir obtenu l'autorisation du Gouvernement territorial. Celui-ci conservera, d'ailleurs, le droit de déterminer les résidences où il lui conviendra d'admettre les Consuls, bien entendu que, sous ce rapport, les deux Gouvernements ne s'opposeront respectivement aucune restriction qui ne soit commune dans leur pays à toutes les nations.

XXII. Les Consuls Généraux, Consuls, Vice-Consuls et Agents Consulaires de Belgique dans les Iles Hawaïennes jouiront de tous les privilèges, immunités et exemptions dont jouissent les Agents de la nation la plus favorisée de même qualité et dans les mêmes conditions.

Il en sera de même en Belgique, pour les Consuls-Généraux, Consuls, Vice-Consuls et Agents Consulaires des Iles Hawaïennes.

XXIII. La désertion des matelots embarqués sur les navires de l'une ou de l'autre Partie Contractante, sera sévèrement réprimée dans les territoires respectifs. En conséquence, les Consuls de Belgique pourront faire arrêter et renvoyer soit à bord, soit en Belgique, les marins qui auraient déserté des bâtiments Belges, dans les ports des Iles Hawaïennes. A cet effet, ils s'adresseront aux autorités locales compétentes et justifieront par l'exhibition, en original ou en copie dûment certifiée, des registres du bâtiment ou du rôle d'équipage, ou par d'autres documents officiels, que les individus qu'ils réclament faisaient partie dudit équipage. Sur cette demande, ainsi justifiée, la remise n'en pourra leur être refusée.

Il leur sera donné toute aide et assistance pour la recherche et l'arrestation desdits déserteurs, qui seront même détenus dans les maisons d'arrêt du pays, à la réquisition et aux frais des Consuls, jusqu'à ce que ces agents aient trouvé une occasion de les faire partir.

Si, pourtant, cette occasion ne se présentait pas dans le délai de deux mois à compter du jour de l'arrestation, les déserteurs seraient mis en liberté.



Il est entendu que les marins sujets Hawaïens, seront exceptés de la présente disposition, et traités selon les lois de leur pays.

Si le déserteur avait commis quelque délit sur le territoire Hawaïen, son renvoi serait différé jusqu'à ce que le tribunal compétent eût rendu son jugement, et que ce jugement eût reçu son exécution.

Les Consuls Hawaïens auront exactement les mêmes droits en Belgique, et il est formellement convenu entre les deux Parties Contractantes que toute autre faveur ou facilité accordée ou qui serait accordée par la suite par l'une d'elles à un autre État, pour l'arrestation des déserteurs, sera accordée, de la même manière, à l'autre partie, comme si lesdites faveurs ou facilités avaient été expressément stipulées dans le présent Traité.

XXIV. Toutes les opérations relatives au sauvetage des navires naufragés ou échoués sur les côtes des Iles Hawaïennes seront dirigées par les Agents Consulaires de Belgique, et réciproquement, les Agents Consulaires des Iles Hawaïennes dirigeront les opérations relatives au sauvetage des navires de leur nation, naufragés ou échoués sur les côtes de la Belgique.

Toutefois, si les parties intéressées se trouvent sur les lieux, ou si les capitaines sont munis de pouvoirs suffisants, l'administration des naufrages leur sera remise.

L'intervention des autorités locales aura seulement lieu pour maintenir l'ordre, garantir les intérêts des sauveteurs, s'ils sont étrangers aux équipages naufragés, et assurer l'exécution des dispositions à observer pour l'entrée et la sortie des marchandises sauvées. En l'absence et jusqu'à l'arrivée des Agents Consulaires, les autorités locales devront prendre, d'ailleurs, toutes les mesures nécessaires pour la protection des individus et la conservation des effets naufragés.

Les marchandises sauvées ne seront jamais assujetties à aucun droit de douane ou autre, à moins qu'elles ne soient admises à la consommation intérieure.

XXV. Les navires, marchandises ou effets appartenant aux citoyens respectifs, qui auraient été pris par des pirates, ou qui seraient conduits ou trouvés dans les ports de l'une ou de l'autre des Parties Contractantes, seront remis à leurs propriétaires, en payant, s'il y a lieu, les frais de reprise, qui seront déterminés par les tribunaux compétents, lorsque le droit de propriété sera prouvé devant ces tribunaux, et sur la réclamation qui devra en être faite, dans le délai de 18 mois, par les intéressés, par leurs fondés de pouvoirs ou par les Agents des Gouvernements respectifs.

XXVI. Si, par un concours de circonstances malheureuses, des différends entre les Parties Contractantes pouvaient devenir le motif d'une interruption de relations d'amitié entre elles, et qu'après avoir

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### LOANDA.

No. 35.—*Her Majesty's Acting Commissioner to Lord J. Russell.*—  
(Received July 31.)

MY LORD,

*Loanda, May 29, 1861.*

I HAVE the honour to inform your Lordship that, on the 24th of April last, Her Majesty's ship *Wrangler*, commanded by Captain Hamilton Beamish, captured and sent to St. Helena a barque, having 498 negroes on board, about 30 miles west of the River Congo.

The identity of this vessel was so studiously concealed from the captors, that, after a most diligent search, nothing could be found descriptive of either name, port, or nationality.

It was inferred from the build that this barque was American, but the crew were nearly all Spaniards.

From subsequent information which I have obtained here, there is little doubt of the captured vessel being the *Ardennes*; and I further learn that the negroes were taken on board at Mangua Grande, a short distance south of the Congo.

I beg leave to avail myself of this occasion to inclose to your Lordship the copy of a despatch which I addressed to his Excellency the Governor-General upon the rather unusually frequent practice of sending domestic negroes by the Portuguese mail-steamers, to the Island of St. Thomas, under the legal representation of their being the "property" of passengers going there.

I have, &c.

*Lord J. Russell.*

H. V. HUNTLEY.

(Inclosure.)—*Her Majesty's Acting Commissioner to the Governor-General of the Province of Angola.*

EXCELLENT SIR,

*Loanda, April 29, 1861.*

I AVAIL myself of this occasion to remark to your Excellency that much activity seems to prevail amongst certain residents of

this city in transferring "domestic" slaves from hence to the Island of St. Thomas, under the representation of a renewed disposition to cultivate that unquestionably fertile colonial possession having sprung up.

This may be true, but the facility of selecting and embarking slaves from that island are so prominent, that the vigilance which I am aware your Excellency extends to the southern coast will equally be exerted to impress upon the Governor of the island mentioned the necessity of sedulously guarding the coasts of his Government.

Having myself often been cruising about that island, your Excellency will allow me to point out the ease with which a laden vessel might get away from it :

1st. The sea-breeze scarcely ever fails.

2ndly. The vessel sailing from it will almost always make good a west course.

3rdly. Before the meridian of Greenwich is reached, the ship will have crossed the Equator into the first or second degree of south latitude. The south-east trade-wind will then enable the vessel to sail freely off.

I may also observe that there is scarcely ever any cruizer between St. Thomas and the meridian of Greenwich, near the Equator.

I venture to offer these remarks, because I am so fully sensible of the views your Excellency entertains upon the subject of slavery, that should I even fail to convey any fresh information, I shall certainly not be considered intrusive. I have, &c.

*The Governor-General of the  
Province of Angola.*

H. V. HUNTLEY.

*No. 88.—Earl Russell to Her Majesty's Acting Commissioner.*

SIR,

*Foreign Office, August 22, 1861.*

WITH reference to your despatch of the 29th May last, I have to acquaint you that I approve the letter which you addressed to the Governor-General of Angola, calling his Excellency's attention to the frequent exportation of slaves as domestic servants from the mainland to the island of St. Thomas, under the pretence of their being the property of passengers going to that island.

I am, &c.

*Her Majesty's Acting Commissioner.*

RUSSELL.

*No. 41.—Her Majesty's Acting Commissioner to Lord J. Russell.—  
(Received October 12.)*

MY LORD,

*Loanda, August 9, 1861.*

I HAVE the honour, but with great regret, to report to your

Lordship the retirement from the west coast of Africa of The United States' ships of war named in the inclosed return, in consequence of which there will now be left upon the African coast only the corvette *Saratoga*, commanded by Commander Alfred Taylor.

The recall of this squadron, under the orders of Flag Officer William Inman, which has been so distinguished for its efforts to suppress the Slave Trade, and so earnestly endeavouring to prevent the fraudulent use of The United States' flag by those engaged in that traffic, as a means of averting search by ships of war of other nations, combined with the most disinterested desire to co-operate with Her Majesty's ships of war upon this station in every available instance where unity of action appeared useful, whether to counteract the views of the slave-trader, or to protect commercial interests, must be considered as a most unfortunate event, threatening to re-open channels which had been closed against the Slave Trade, and encourage those already conversant with that traffic to recommence operations, which, virtually opposed but by one ship of war, The United States' ship *Saratoga*, cannot fail to offer vast inducements, with little risk.

Under the supposition that no measures have been agreed upon between Her Majesty's Government and that of The United States as an equivalent for the recall of the squadron employed on the West African coast by Treaty, and feeling that the removal of every impediment to the increased action of Her Majesty's squadron becomes now a consideration of greater import, I beg leave to ask the notice of your Lordship to an extract, inclosed herewith, from the Slave Trade instructions, supplied to Her Majesty's ships on this station for their guidance, with reference to the treatment of vessels or boats acting in aid of that traffic, but not in waters within the jurisdiction of any recognized civilized foreign State.

Your Lordship will see by this instruction that Her Majesty's officers are, in the event of meeting with vessels or boats as already described, enjoined to seize the slaves intended for traffic, and take them to a British colony to be liberated, permitting the vessel or boat in which they were found to proceed with any property which might be on board.

The removal of slaves from place to place by water-carriage is at present an undoubtedly favoured practice, and should the British cruisers give their attention to this system, in preference to occupying an office out of sight of land, I think they would frequently meet the vessels and boats mentioned, having from 20 to 70 slaves on board; these, of course would be taken out.

Having so done, the officer commanding would have the choice of one of two alternatives: first, to retain them on board until want

of provisions forced him into port ; secondly, to proceed with them to a British colony.

The selection of the first measure would, I think, my Lord, infallibly create sickness in the cruizer, and great loss of life amongst the rescued negroes, who would be night and day exposed to the weather, for they certainly could not be allowed to leave the upper deck of a small ship of war.

The adoption of the second would be to remove the cruizers from the station, and consequently, for the sake of liberating a few slaves, leave the coast free for the operations of the slave-dealers for many weeks at a time.

Since the recall of The United States' squadron, it appears to me, my Lord, that the general practice of cruising in the offing, and occasionally sighting the land, will give way to a closer inspection of the beach, with a view of preventing the vessels and boats indicated from conveying the slaves from one rendezvous to another ; possibly the future system soon will partake more of the character of a close blockade than hitherto it has.

With reference to the disposal of any slaves which might be seized in comparatively small numbers at any one time, there are two methods by which the absence of the cruizer from her station might be obviated for more than a few days, namely :

1st. The formation of an agreement with the Portuguese Government for the reception of the captured negroes at Loanda, in accordance with the stipulations of the Additional Article to the Treaty of the 3rd of July, 1842, dated October 22, 1842.\*

2ndly. The establishment of a depôt-ship in this harbour, on board of which the captured negroes might be received, and await the departure of a ship of war, or that of an empty coal-ship, for conveyance to a British colony ; the owner of the coal-ship would gladly admit the liability of carrying the negroes to the British West Indies, to be inserted in the charter-party, for these ships uniformly leave this place in ballast for some part contiguous to that region. The depôt-ship would also, of course, contain coal, stores, and provisions for the use of the squadron ; the absence of which vessel has, indeed, been so much lamented as being prejudicial to the suppression of the Slave Trade.

{ The additional pressure now manifestly thrown upon Her Majesty's squadron employed upon this division of the African station demands, my Lord, I beg to submit, the removal of every hindrance to its exertions ; and one measure, apparently to me quite defensible, if adopted, would certainly give assistance ; I propose, my Lord, to deny the right of nationality to those vessels and boats carrying slaves for traffic in the waters described. These waters are

not within the jurisdiction of any foreign civilized State, whether in the Congo or on the coast; and why, my Lord, should the vessels and boats belonging to places on such parts of the coast enjoy an immunity which is refused to the waters on which they operate? By this course the water transport of slaves, from point to point, would probably be altogether in a short time prevented.

I have, &c.

Lord J. Russell.

H. V. HUNTLEY.

P.S. August 13 —I beg leave to inform your Lordship that The United States' ship *Mohican* left this coast to-day; the others, with the exception of the corvette *Saratoga*, having sailed for The United States since the 9th instant.

H. V. H.

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(Inclosure 1.)—*Extract from the Slave Trade Instructions, Section 2, Article 7.*

IN all cases, however, vessels or boats of native Africans found in waters not within the recognized jurisdiction of a foreign civilized State, and actually engaged in carrying slaves for the export traffic, are to be stopped, and slaves in them intended for the traffic are to be taken to a British colony to be liberated, but the native crews belonging to such vessels or boats are not to be subjected to any ill-treatment, and are to be permitted to proceed with their vessels or boats and property whither they please.

Given under our hands this 12th day of June, 1844.

G COCKBURN.

W. H. GAGE.

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(Inclosure 2.)—*Statement of United States' Ships of War recalled from the West Coast of Africa.*

Loanda, August 9, 1861.

*Constellation*, flag-ship, 22 guns; *San Jacinto*, 13 guns; *Portsmouth*, 18 guns; *Mohican*, 6 guns; *Mystic*, 5 guns, *Sumpter*, 5 guns.

The corvette *Saratoga*, a sailing-ship, mounting 18 guns, will remain upon the coast, under the command of a captain who will supersede Commander Alfred Taylor.

H. V. HUNTLEY.

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No. 43.—*Her Majesty's Acting Commissioner to Lord J. Russell.*—  
(Received November 4.)

MY LORD,

Loanda, August 23, 1861.

IN my despatch of May 29, I had the honour of inclosing to

your Lordship the copy of a letter which I had addressed to his Excellency the Governor-General on the subject of domestic slaves being taken with unusual frequency from this city to the Island of St. Thomas.

Since the date of that despatch, I have, my Lord, the more carefully watched that practice, and it appears to me not only to be extending itself, but also to have originated another measure which will call for rigid supervision, if not opposition, although it may have received the apparent sanction of the Government of this Province.

I believe I am quite correct in stating to your Lordship that the practice I allude to is of the following description, namely, previously to the departure of the last Portuguese mail-steamer from this city for St. Thomas and Lisbon, no less than 40 applications were made by or on the part of negroes, represented as being free, and desiring to leave Loanda to proceed to St. Thomas, for the purpose of hiring themselves out as labourers, it having been understood that labour was much wanted on that island.

Applications were made for a passage to St. Thomas in the *Stephanie*; each negro was provided with a passport regularly executed by the Provincial Government, and the passage-money being then paid, they were received on board as free passengers.

Shortly afterwards about 100 more similar applications were preferred; which occurrence apparently awakening the suspicion of the agent acting here for the "União Mercantil" Company of Lisbon, these fresh applications were rejected.

Since this event, a large coasting-boat, called a "lança," of 12 or 15 tons burden, has had her sides "raised upon" (meaning built higher), and I am confidently informed that it is intended to despatch her with 70 negroes, professing to be freely making the voyage to St. Thomas, as soon as the vessel may be ready for sea, which she will in 10 days or a fortnight be.

I cannot discover that there will be any objection on the part of the Provincial Government to supply passports should they be required for the negroes mentioned; and I have, indeed, been informed that directions have been sent from hence to the Governor of St. Thomas carefully to register the negroes arriving as freemen, in order to frustrate any illegal intentions entertained with reference to them by those who in reality will be the shippers.

It is, my Lord, certainly believed that the subject of renewing the cultivation of the fertile island in question has lately engaged the attention of the Portuguese Government, which, probably, has given directions for every possible assistance to be afforded from this province; nevertheless, in the face of the precaution I have before named, I cannot help looking upon the proceeding with unqualified



suspicion; regarding it as a subterfuge to evade the Treaty of July 8, 1842, with Portugal, for the suppression of the Slave Trade, on the part of those who embark the negroes.

I am fully of opinion that should a vessel carrying negroes as already described be met with by one of Her Majesty's ships, and sent in for trial, no justification of the practice would be found in the Treaty, which clearly stipulates what negroes may be legally carried;\* and no permission is anywhere given to carry any others; and by examining some of the negroes themselves, I think it would be found that they were no consenting party to their embarkation.

I have, my Lord, partially mentioned this subject to Commodore Edmonstone, who arrived here on the 15th instant, but as that officer was suddenly called away to the River Congo, any further communications with reference to it have been necessarily suspended; but upon his return I shall call them to his attention. However, I shall not fail to place the whole case in the possession of Her Majesty's Commissioner, who I expect will resume his duties early in September.

I have, &c.

Lord J. Russell.

H. V. HUNTLEY.

## REPORTS FROM NAVAL OFFICERS.

### WEST COAST OF AFRICA STATION.

*No. 62.—Commodore Edmonstone to Rear-Admiral Sir H. Keppel.*  
(Extract.) Arrogant, at Ascension, January 4, 1861.

At the request of his Excellency the Governor of Sierra Leone, Commander Hollingworth proceeded to Monrovia, on the 24th October, for the purpose of demanding the archives of the British Consulate, the Government not intending to appoint another Consul.

During the *Prometheus*' stay at this place, the schooner *Boneta*, with 620 slaves on board, came in, a prize to The United States' corvette *San Jacinto*, making the fifth vessel that had arrived within 6 weeks, landing in all 8,800 slaves.

Having heard that several suspicious vessels had lately called at Cape Palmas, on their way to the southward, for the purpose of gaining information of the movements of our cruisers, Commander Hollingworth proceeded there on the 1st of November, and reports the place to be thriving and healthy, but that there were a great many complaints at there not being any British Consul or Agent, to settle the disputes of the palm-oil traders, of whom, it appears, upwards of 200 vessels call annually for their kroomen, &c.

\* Article V, Treaty, July 8, 1842. Vol. XXX. Page 527.

The *Prometheus* returned to Sierra Leone on the 9th, having left Cape Palmas on the 2nd. The *Espoir* arrived the same day from the Island of Mayo, Cape de Verdes.

The *Alecto* hove up for Lagos to meet the mail. I learn from Commander Raby, who is a very active officer, and of considerable knowledge in coast matters, that the Slave Trade is now at its height in Whydah; legal trade is completely stopped, and they allow no intercourse with men-of-war. A Captain Croft, of the *Barbara*, of Bristol, told Commander Raby, that he was on shore at this place the last time the *Alecto* had anchored there; the people on shore made him a close prisoner, and when one of his kroomen went to the beach to make a signal to his vessel, the natives seized him up and beat him unmercifully.

The slavers come down the coast under the American flag, and lay off the place, making their arrangements under their noses, and as soon as the cruisers leave for Lagos, they ship their slaves in 4 or 5 hours, and get off; if it had not been for the protection afforded them by the American flag, and false or real papers, which these vessels can easily procure, I am confident several prizes must have been taken by our cruisers in the Bights, for I find, on reference to the reports of Commander Raby, that no less than 2,500 slaves have alone been shipped from Whydah in so short a period as 6 weeks; although it will be seen, by examining the logs of cruisers employed in the vicinity, that Whydah and its vicinity have been carefully watched.

I have lately been able to add one more vessel, the *Ranger*, to this part of the station (the Bights), and soon hope to receive tidings of a check, no matter how small, having been put to this illegal traffic. It is to be regretted that hitherto no American cruiser has been stationed on this part of the coast, but I have lately received intelligence that one of their gun-boats, *Sumpter*, will guard the Bights.

Her Majesty's gun-boat *Brune*, Lieutenant Henry Hand commanding, was at anchor off the Consulate until the 18th September, when, in consequence of a disturbance at Badagry, she started for that place, and arrived at a village named Beechy, about 12 miles from Lagos, and came to for the night, in order to ship wood cut for her by the order of King Docemo.

The next morning Lieutenant Hand, in his capacity as Acting Consul, held a meeting of the Chiefs of Badagry on board the *Brune*, and settled the palaver satisfactorily.

I inclose, for your information, the copy of a report made by Mr. Richards, Acting Second Master of the *Brune*, to Lieutenant Hand, Her Majesty's Acting Consul at Lagos, of his proceedings at Abbeokuta.

I regret to have to inform you that the Ashantees are still in a very unsettled state, and hostilities may be expected any day between our troops on the Gold Coast and this numerous and powerful tribe, unless we can manage to settle the grand palaver, so long pending, in an amicable manner; but the difficulty is to get those people to be up to time.

I have received no further news of the King of Dahomey's movements with regard to Abbeokuta, but I doubt if he will rest until he has attacked that place, and thereby washed out, to some extent, the insult offered to his father, and which I believe he is determined to do.

Since my last report (October 2), no intelligence has reached me of the Niger Expedition. I have communicated with Captain Walker in charge, and issued every necessary instruction to the senior officer in the Bights to render whatever assistance Captain Walker may be in need of.

*Archer* started (October 2) for Benguella, and received intelligence that a vessel under American colours had shipped a cargo of 800 slaves between that place and Little Fish Bay, some 6 weeks previous.

Commander Fitzroy left for the latter anchorage on the 18th September, and informs me that the American vessels, fitted as whalers, had been trying to negotiate for slaves at that place, but having failed, proceeded to the southward of the limits of my station, where there is little doubt they will ship a cargo.

I am happy in being able to report a second capture of the *Espoir*, although she has only been so short a time on the station. It appears that while in latitude  $4^{\circ} 44'$  north, longitude  $14^{\circ} 21'$  west, she sighted and took the well-known slave-vessel *Clara Windsor*, having on board 850 slaves. The particulars of this capture is forwarded separately for your information. The *Clara Windsor* put in to Ascension, when she was supplied with water, and started the same day for Sierra Leone, to be placed in the Vice-Admiralty Court.

Rear-Admiral Sir H. Keppel.

W. EDMONSTONE.

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(Inclosure.)—*Mr. Richards to Lieutenant Hand.*

SIR,

Brune, Lagos, July 25, 1860.

I HAVE the honour to state, that in obedience to your orders I proceeded for Abbeokuta on the 17th instant, with your message to the Alake and Chiefs, and found, on arriving there, that they had already acceded to the wishes of the merchants in opening the river-road. I therefore waited on His Majesty, and, explaining my errand, congratulated him on having allowed the river to be opened, which he assured me was permanently so.

head of the Pongas, has barracoons, with a number of slaves, who, I believe, are sent across to the Nunez, and shipped from there in French vessels as free emigrants. There are also canoes passing from the Sherbro to the Mellacore and Forecareah, with slaves in; some of whom have been captured off Kent. I dare say that if any opportunity would offer, Mrs. Lightbourn would ship off a cargo.

I did hear a report of a brig getting away from the Pongas, with 60 slaves, but it proved to be a French emigrant vessel.

*Legal Commerce.*—From the Gambia down to the Pongas the trade is in ground-nuts, bemi-seed, hides, timber, and a small quantity of gold and ivory. The trade is chiefly carried on in French and American vessels. There is a depôt at the Iles de Los, belonging to a trader of New York. He supplies all the rivers with Yankee notions, and in return gets nuts and hides at Matacong.

Mr. ——— is doing well, growing indigo.

In Yacony Bay and Bompey and Sherbro rivers the timber trade is carried on, but very slowly. I believe that there is good timber up the Bagroo, but it has not yet been surveyed.

All down the Liberian coast the trade is palm-oil and sugar, which is very much increased: also sugar, cotton, and indigo, on the St. Paul's river. The sugar plantations extend for 25 miles on either side, and are very thriving. They have a small flat-bottomed steamer which can go over all the bars.

At Bassa and Palmas the people are trying indigo and cotton both of which seem to thrive well.

The people at Palmas are building a hospital for strangers, as so many of the Bonny traders call in there. They are also going to have a new light for ships calling in, and have to pay 3 dollars' light dues.

I have, &c.

*Commodore Edmonstone.*

NORMAN B. BEDINGFELD.

*No. 70.—Commodore Edmonstone to the Secretary to the Admiralty.*

(Extract.)

Arrogant, at Sierra Leone, March 17, 1861.

I HAVE the honour to inclose, for their Lordships' information, a copy of Lieutenant Bennett's letter reporting his proceedings while up the River Niger.

*The Secretary to the Admiralty.*

W. EDMONSTONE.

*(Inclosure 1.)—Lieutenant Bennett to Commodore Edmonstone.*

SIR,

Bloodhound, *Fernando Po*, December 1, 1860.

IN compliance with your orders I left Mayumba Bay on the 4th October, and arrived at Ascension at 9 P.M. on Saturday the 20th. On Thursday, the 25th at 6 P.M., the defects having been made good, the ship provisioned, and deck cargo having been taken on board, I

sailed for the Bights, and reached Whydah on the 6th November, when receiving information from Commander Wratislaw, of the *Ranger*, that Commander Raby was expected the next morning, I anchored to await his arrival.

The *Alecto* arrived on the 7th, and I received orders from Commander Raby to proceed to Fernando Po to coal, and await his arrival. I arrived there on the 12th (Saturday), and on Monday morning Commander Raby arrived. Having filled with coals, I received my orders from Commander Raby (a copy of which is inclosed) to go to the Rivers Brass and Niger, and in consequence of the Acting Consul at Lagos not deeming it proper to leave that place, I was directed to act for him. I reached the mouth of the Brass on the evening of the 16th November, having experienced an extraordinary strong current against us. Off the Brass I found the barque *Oriente*, of Liverpool, and having engaged her master to pilot me across the bar, I weighed at daylight on the 17th, and proceeded to the anchorage off the factories. The English traders having come on board, I explained to them the service on which I was employed, and finding that the Brass towns are 35 miles up the river, and that it was impossible to get the ship any nearer to them, I requested those gentlemen to attend me in a boat expedition to the towns of Abalambra and Bassambra, which together constitute Brass Town.

I left the *Bloodhound* at half-past 4 the next morning (18th) in the whaler, attended by the gig of the ship, under the charge of Mr. T. Stringer, Master's Assistant, and the boats of the English traders. The crews of the *Bloodhound's* boats were, with the exception of the coxswain's, composed of Kroomen, as I did not think it advisable to subject more Europeans than I could possibly help to the influence of the climate. We reached the towns at 9.30 A.M., and immediately sent to tell the Kings I wished to see them; it was, however, some time before they could be found, but shortly after 2 P.M., they came, attended by the principal Chiefs, to the Ju-ju House. I then, through an interpreter supplied by the traders, informed them why I had visited their towns, and after fully explaining what the result would be if they in any way molested the vessels on the Niger, I drew up the inclosure No. 3 for their signature.

I then invited them to return with me to the *Bloodhound*, and to go to the Niger with me, but this they declined to do, saying they would go to the new factory in their own canoes, and meet me there. Finding I could not alter their determination, and having concluded my business with them, I left the town at half-past 5 P.M., but in consequence of grounding in the creek, did not reach the *Bloodhound* until 1 A.M. At 11 A.M. of the same day (19th) weighed and

proceeded out of the Brass for the mouth of the Niger, where I anchored at 2.30 P.M.; I here found the steamer *Sunbeam*.

The next morning both ships weighed and proceeded into the river with the flood tide. The Brass Kings not having arrived, I sent a canoe to fetch them, and as Mr. Walker thought it advisable to lighten the *Bloodhound*, I put the remains of the deck cargo on board the *Bessie* hulk. On the morning of the 23rd the canoe came back, bringing a message that the Brass men had had war with the people of Akedo, and they were afraid to trust themselves in their country. I decided upon proceeding without further delay, and at 11 A.M. weighed with *Sunbeam* in company, and proceeded up the river having Mr. Walker on board as pilot. We got that evening as far as Liambre, where we anchored for the night, having only touched the mud once, and then only for a few seconds. The next morning we weighed, and calling at the different towns on our way up, anchored at 4 P.M. for the night off Opupuhrome, a dependency of Angiana. The next day being Sunday, I remained at anchor. On Monday the 26th, we proceeded to the town of Angiana, where, in compliance with the agreement between Her Majesty's Government and Mr. Laird, it was purposed to place a factory, provided Her Majesty's Consul approved of the site; and shortly after our arrival the King's son and the principal Chiefs came on board, and having had explained to them the purpose of our visit, they expressed the greatest wish to trade and make friends with the white men, and offering a piece of ground for the factory to be built on. I then desired them to tell the King that I wished him, his head men, and the Chiefs of his dependencies, to be on board early next morning.

In the afternoon I landed with Mr. Walker, and was received by the King and Chiefs, who pointed out a place a little distant from the town, as a suitable site for the buildings. Finding it was so, Mr. Walker sent his men from the *Sunbeam* to clear it, and the King gave him a number of his people to assist. Early next morning the King came on board, and I drew up the Treaty annexed (Inclosure No. 6). The river evidently falling fast, neither Mr. Walker nor myself considered it advisable to ascend any higher, and at 7.30 A.M. of the 28th, I weighed and proceeded for the mouth of the river, where I anchored at 4 P.M. the same day, leaving the *Sunbeam* at Angiana to erect the factory.

I regret to say that, in rounding the extremely sharp reach called Louis Creek, the ship going dead slow, with only 8 inches of water more than her draught, the tide caught her on the bow, and before she would answer her helm or the engines could be reversed she fouled the mangrove bushes on the starboard side of the river and carried away her jib-boom and fore-top-gallant-mast,

and badly sprung the bowsprit inside the night-heads. I have fished it for the time being, but cannot place much dependence on it.

Having supplied Mr. Walker with four casks of salt provisions and one puncheon of bread, the expedition being in distress for provisions, I embarked the remainder of the deck-cargo, and left the Niger at 6 A.M. of the 30th for this island, in compliance with my instructions from Commander Raby, and arrived here this day, at 9 A.M.

The inclosed papers are the originals of the agreements obtained from the Chiefs of the towns at which we called.

I regret to say that, since we left the river, we have had 15 slight cases of intermittent fever, although every precaution was taken, while in the river, against exposing the men to the night-dews or sun's heat. They are all, I am happy to say, doing well up to this date.

Trusting that I have performed the service required to your satisfaction. I have, &c.

Commodore Edmonstone.

FRANCIS W. BENNETT.

(Inclosure 2.)—*Orders addressed to Lieutenant Bennett.*

(Memorandum.) Alecto, *Fernando Po*, November 14, 1860.

ON Her Majesty's steam-vessel under your command being completed with coal, you will proceed to the River Brass and put yourself in communication with Mr. Walker, in charge of the Niger Expedition. Should the *Sunbeam* and *Rainbow* (vessels composing the expedition) not be there, you will proceed to the Niger, and in the event of your then meeting them, you will, should Mr. Walker be then willing to proceed up the Niger, escort them in accordance with the instructions addressed to Lieutenant Burton, of the *Triton*; and you will endeavour to carry out the wishes of Her Majesty's Government in every way, at the same time having due regard to the safety of Her Majesty's ship under your command, and also to preserve life on both sides.

Should Mr. Walker not wish to proceed at this season up the Niger, you will return here, complete your coal, and join me either at Lagos or Whydah.

*Lieutenant Bennett.*

HENRY J. RABY.

*No. 77.—Commodore Edmonstone to the Secretary to the Admiralty.*

SIR, Arrogant, at *Fernando Po*, May 24, 1861.

It is with deep regret that I have to report, for the information of my Lords Commissioners of the Admiralty, the death of H. G. Foote, Esq., Her Majesty's Consul at Lagos, which melan-



eboly event took place on the 17th instant, from fever and dysentery.

I inclose Mr. McCoskry's (the Acting Consul) letter to me reporting the circumstance, as it contains important intelligence with regard to the state of affairs at Abbeokuta and the country generally. I fear that the Consul's death, happening at the present moment, will have an injurious effect with respect to the settlement of matters at Porto Novo.

I have, &c.

*The Secretary to the Admiralty.*

W. EDMONSTONE.

*(Inclosure.)—Acting Consul McCoskry to Commodore Edmonstone.*

*(Extract.)*

*Lagos, May 20, 1861.*

It is with deep regret I have to inform you of the death of Consul Foote; he was taken ill almost immediately after you left, and died on the 17th instant.

I have, till such time as other arrangements are made, taken charge of the Consular duties, and I will do my best, so far as my ability goes, to do them well.

I have no official news from Porto Novo, but I have good reasons to believe the King and Chiefs of that place have already signed the Treaty, and are ready again to open trade.

My advices from Abbeokuta are not so good; the Alake and Chiefs had promised the late Consul Foote, on the occasion of his visit there, that they would allow trade to go on between their people and the merchants, and free communication by the river to Lagos, after the 21st of May; it now appears they will not fulfil the promise.

The most probable reason for this conduct is, that on the strength of this promise many merchants of this place sent large quantities of goods to Abbeokuta, and the Alake and Chiefs think that as they have now there a large amount of British property, they are more likely to obtain assistance from the British Government to carry on the war with Ibadan. Their conduct in any way is unjustifiable, and I only await information from themselves as to their reasons, to point that out to them.

It is to be regretted that it has not been more pointedly explained that the objects of the British Government are not to support the Egbas in every war in which they may choose to engage, but mainly to tranquillize the country, and protect Abbeokuta against the unprovoked attack of Dahomey. The whole conduct of the Egbas shows that they expect the support of the British Government in every undertaking, and if they do not get it, they blame the representative here.

*Commodore Edmonstone.*

J. MCCOSKRY.

*No. 78.—Commodore Edmonstone to the Secretary to the Admiralty.*

SIR, Arrogant, *Fernando Po*, May 28, 1861.

IN reference to my letter of the 24th instant, reporting the death of Her Majesty's Consul at Lagos, and inclosing a letter from Mr. McCoskry containing important news of Abbeokuta and the general state of the country, I have now the honour to annex a letter I have just received from that gentleman, conveying the pleasing intelligence that the King and Chiefs of Porto Novo have signed the Treaty, the refusal to sign which was the cause of the recent successful expedition against that Chief.

I have, &c.

*The Secretary to the Admiralty.*

W. EDMONSTONE.

*(Inclosure.)—Acting Consul McCoskry to Commodore Edmonstone.*

SIR, Lagos, May 21, 1861.

I HAVE the honour to inform you that the King and Chief of Porto Novo have signed the Treaty as required, and trade will be re-opened immediately.

The Acting Vice-Consul, Tickel, returned yesterday to Badagry with the signed Treaty, but he is prevented by illness from coming down here with it, and to give details from personal observations as to the state of the country, and the feeling of the people in reference to the bombardment brought upon them by the obstinacy of the King and Chiefs.

I have no news from Abbeokuta.

I have, &c.

*Commodore Edmonstone.*

J. MCCOSKRY.

*No. 91.—Commodore Edmonstone to the Secretary to the Admiralty.*

SIR, Arrogant, *off Cabenda*, September 22, 1861.

IT gives me much pleasure to forward, for the information of my Lords Commissioners of the Admiralty, a copy of a correspondence that has taken place between Flag Officer Inman, Commander-in-chief of the United States' cruizers on this station, and the Commander Henry James Raby, of Her Majesty's steam-sloop *Alecto*, on the occasion of the Flag Officer's departure from the coast, showing the mutual good feeling that has prevailed throughout between our respective squadrons.

I have, &c.

*The Secretary to the Admiralty.*

W. EDMONSTONE.

*(Inclosure 1.)—Commander Raby to Flag Officer Inman, U.S.N.*

SIR, *Alecto*, *St. Paul de Loanda*, July 6, 1861.

IT is with great pleasure that I beg to tender through you my best thanks to Lieutenant-Commander Armstrong, of The United States' steam-vessel *Sumpter*, for his great kindness in taking a letter to Cabenda from me to Commander Bedingfeld, of the

*Prometheus*, on the 16th ultimo, thus saving me the necessity of sending a boat's crew nearly 100 miles. Such acts of courtesy and kindness must always tend to cement the good feeling and cordiality which I trust will always exist between the two services.

I have, &c.

Flag Officer Inman.

HENRY J. RABY.

(Inclosure 2.)—Flag Officer Inman, U.S.N., to Commander Raby.  
Sir, Constellation, St. Paul de Loanda, July 6, 1861.

I HAVE to acknowledge the receipt of the very acceptable letter which you were pleased to address to me on the 6th July.

I furnished a copy of it to Lieutenant-Commanding Armstrong, commanding The United States' steamer *Sumter*, who has desired me to make known to you how highly he reciprocates the kindly sentiments which prompted your letter.

You will be pleased to excuse my tardiness in making this reply, which was occasioned by former excessive occupation, and after absence from Loanda.

I avail myself of this occasion to request of you, as senior officer commanding Her Majesty's ships on the Southern Division, to convey to Commodore Edmonstone and the Lords of the Admiralty, the pleasurable duty which I have lately performed, when reporting to the Navy Department of The United States the harmonious and efficient co-operation of Her Majesty's ships and those under my command on this coast.

I desire to name Commander Bedingsfeld, commanding Her Majesty's steamer *Prometheus*, as one of those, among others, who have rendered us valuable assistance; and I have received at various times from Captain Crawford, in the *Archer*, as well as others of Her Majesty's Commanders, much useful information, kindly attention, and offers of service.

I am just about to relinquish the command-in-chief of the vessels of The United States on this station, and the recollection of my pleasant relations with the officers of Her Majesty will bring with it future enjoyment.

I am, &c.

Commander Raby.

WM. INMAN.

No. 92.—Commodore Edmonstone to the Secretary to the Admiralty.  
Sir, Arrogant, off Cabenda, September 22, 1861.

I HAVE the honour to transmit, for the information of my Lords Commissioners of the Admiralty, copy of a correspondence that has taken place between Commander Wildman, of the *Philomel*, and a Mr. Elkman, agent for a Dutch firm in the River Congo, respecting the disposal of 11 negroes, which it appears were

bought by an assistant of Mr. Elkman's with goods stolen from his owners.

As the *Wrangler* was going to St. Helena for the refreshment of her crew, I took the opportunity of sending these liberated Africans to be delivered over to the proper authorities at that island.

I hope their Lordships will be pleased to approve of what I have done, as also of Commander Wildman's proceedings in the matter.

I have, &c.

*The Secretary to the Admiralty.*

W. EDMONSTONE.

(Inclosure 1.)—*Commander Wildman to Commodore Edmonstone.*

SIR,

*Philomel, Cubenda, September 20, 1861.*

I HAVE the honour to inclose copy of a letter from Mr. Elkman agent to Messrs. Kerdyk and Pincoffs, together with my reply thereto, and to request that you will be pleased to give me directions as to the disposal of the 11 negroes now on board Her Majesty's ship under my command.

I would beg to draw your attention to the fact of Messrs. Kerdyk and Pincoffs having lost much money through the dishonesty of their assistant, and that Mr. Elkman might have disposed of the slaves without rendering himself open to the law, and would suggest if there is any bounty for the negroes, that it be paid to Messrs. Kerdyk and Pincoffs.

I have, &c.

*Commodore Edmonstone.*

LEVESON WILDMAN.

(Inclosure 2.)—*Mr. Elkman to Commander Wildman.*

SIR,

*Porta da Lenha, September 12, 1861.*

I AM under the necessity of addressing myself to you, and of asking your advice upon a grieving occurrence which has just taken place in the factory of Messrs. Kerdyk and Pincoffs here, and feeling convinced from the many acts of kindness Her Majesty's officers rendered to my house, I am satisfied you will pardon the liberty I now take.

On my return to this factory, from which I have been absent for some time upon the business of my owners, Messrs. Kerdyk and Pincoffs of Rotterdam, whose agent I am for the present moment on the coast, I learned that one of my assistants, Mr. R. Bucks, had appropriated for his own use goods to a considerable amount without my authority, or that of any person in the factory acting for me; and with those goods I learned he had bought slaves, the books also of the factory have disappeared, and consequently I am at present unable to say to what extent goods have been taken. On my appearance in the factory Mr. Bucks was gone away with all his property he had in the house, but by the co-operation of

am happy to say not a single casualty of any sort occurred to our men.

The town is named after one of the most intelligent and influential men in the river, who, however, is looked upon by the European traders as one of the greatest rascals, and was mixed up with the outrage committed on Messrs. Tobin's vessel.

The loss sustained in property on this occasion must have been considerable, as several large canoes were broken up and rendered useless.

The boats again started on the 4th, and searched several fresh creeks, but could not find King Antonio's Town, which I was very anxious should be destroyed, as he and his men were, without doubt, the greatest culprits in the attack on the *Shark*, Mr. Meerham having informed me that the ransom for the prisoners was paid to Antonio. At 4.30 we returned on board.

The next day I sent the whaler and third cutter, armed, with Lieutenant Hereford and Mr. Soudamore, master, to once more examine certain creeks that we had seen the previous day; and I was happy to find on their return that they had been successful in coming across a large town, the natives having fired on them, but without any effect. I determined to punish them, if possible, and accordingly proceeded, at 8 A.M. the following morning (6th), with a sufficient force, consisting of all the *Arrogant's* boats and marines, and I have much pleasure to report that we completely destroyed the town, a large one, and property to a very great amount, consisting principally in ground nuts and Indian corn in large quantities, made up, evidently, for sale; also several canoes.

On this occasion I commenced operations by clearing the bush and town by firing some 24-pounder shell rockets at about 1,000 yards, and afterwards landed, firing as we went along; by this means we managed to keep the natives a good distance off, from which their trade muskets had not the least effect; our men were consequently enabled to set fire to the town in comparative safety to themselves, while, doubtless, the enemy felt the effects of our rifles. We returned on board that evening without a single casualty, bringing with us a native flag that was hoisted on our approach to the town.

The *Wrangler* having arrived the previous evening, I sent her up to Bullock Island on the morning of the 6th, with orders to harass the natives on every opportunity, by destroying their canoes and such villages as could be got at without landing.

Commander Beamish performed this duty to my entire satisfaction, having destroyed 14 or 15 canoes, but I regret to say, he had one man killed, and another wounded from the fire of the enemy

in the act of breaking up a canoe close to the mangro

bushes. These are the only casualties that we have met with in the whole of our operations up the Congo.

The *Philomel* relieved the *Wrangler* on the 5th, and remained up the river till the 20th, where she joined me at this anchorage the same evening. Commander Wildman's proceedings were very satisfactory, and he added several more canoes to those already destroyed.

The Congo, I am happy to say, is at present quiet, and it is to be hoped that our proceedings in that river, so different to what their former experience led them to expect, will tend to a good result, and establish a more lasting peace between the natives and traders.

In a river like the Congo, where there are so many Chiefs whose influence extends simply over their own subjects, being entirely independent of one another, the system of calling for palavers I consider is not only attended with great delay, but altogether unsatisfactory, and such delay, I fear, has too often been the cause of much sickness amongst our cruisers.

The destruction of two towns situated up winding creeks, and not easy of access, will, I trust, teach them that they are not beyond the reach of our boats, even with guns in them; and the loss of between 60 and 70 canoes, besides several fishing-nets, at Shark's Point, will, I know, be severely felt.

The natives are perfectly helpless without their canoes, which are made at Cabenda, a distance of about 40 miles, and cost them 12 dollars each.

Hitherto it has been customary, when differences have occurred, for the traders to seek terms with these people, but I now hope the latter will be the first to wish a conciliation. King Plenty, of Medora Creek, has already expressed his wish to open trade with us, and has been permitted to do so on board the *Philomel*; no doubt his example will be followed by others before long.

I believe the outrage committed on Messrs. Tobin's schooner was on account of the natives fancying that we had broken faith with them by not establishing a factory at Shark's Point. Something about a factory was certainly entered into by Captain Crawford, of the *Archer*, but it was conditional on the merchants at Ponta da Lenha being willing to shift down the river, which I find they are not, or ever were inclined to do.

I beg to point out that King Antonio's town is not marked in its proper place on the chart, and from all the information I can gather on the subject, I understand that it is impossible to be got at by our boats.

In concluding this despatch, I beg leave to bring under your favourable notice Lieutenant R. B. Cay, senior of the *Arrogant*,

who has on every occasion assisted me with great zeal and ability; also Lieutenants Hereford and Huntley, who respectively commanded the launch and pinnace.

Captain McArthur Bond, in command of the detachment, rendered excellent service in clearing the bush by his skirmishes, and Dr. Hart Gimlette, M.D., surgeon, was always present.

I beg to bring under your favourable notice Mr. Derisley Martin, my Secretary, who accompanied me on every occasion; as also to express my entire satisfaction at the cheerful manner in which the seamen and marines under my orders conducted themselves throughout the whole of the operations.

It now becomes my pleasing duty to bring to your special notice the good services rendered to Mr. Meecham by M. Pignaud, in charge of the French Emigration Dépôt at the Bonanas, and I respectfully hope you will bring the same under the consideration of Her Majesty's Government.

Such acts are very gratifying to record, and show the friendly feelings that exist, not only in the Congo, but between our respective squadrons on the West Coast.

I am thankful to say that the health of the ship's company has not in any way suffered from our stay up the Congo.

Trusting my proceedings will meet your approval, I have, &c.

*Rear-Admiral Sir B. Walker.*

W. EDMONSTONE.

P.S.—I omitted to mention that on my recent visit to the Congo, I took the opportunity of personally thanking M. Pignaud for his services to Mr. Meecham.

W. E.

(Inclosure 2.)—*Commander Beamish to Commodore Edmonstone.*

SIR,

Wrangler, at Sea, August 27, 1861.

I HAVE the honour to inform you that on the morning of the 25th instant I fell in with the French gunboat *La Motte Piquet*, which steamed towards us, and her Commander sent an officer to acquaint me, that on the afternoon of the 20th instant, an English schooner had been wrecked on Shark's Point, at the mouth of the Congo. The officer also acquainted me that the natives had attacked the vessel by firing from the shore, and subsequently to the escape of the crew had plundered and burnt her. During the night of the 20th a boat was washed on shore, with 7 men, of whom one was drowned, and 6 are still missing, and are said to be in the hands of the natives somewhere in the interior.

Immediately on the receipt of this intelligence I proceeded with all speed, and about 8 P.M. on the same day anchored in Turtle Cove. Directly we anchored I proceeded in my gig to Shark Point, and through the darkness observed the vessel lying on the



Point, and the sea breaking over and through her; there were apparently many natives on the beach and among the trees, for I observed them passing and repassing the fires; they were not at the time plundering, as the sea was too high, and from her appearance she was a total wreck and fast going to pieces.

It was impossible to approach her on account of the surf.

On the following morning, 26th, at daylight, I proceeded to Banaud Point, to the French factory, to communicate with Mr. Meecham, who I had heard was the owner of the vessel.

On arriving at the French factory I saw Mr. Meecham, who corroborated all that I had heard. It would have been easy and most desirable to have inflicted immediate and severe punishment upon the natives then at Shark Point, but, on consideration, and at the express desire of Mr. Meecham, as also the opinion of M. Pignaud, the officer in charge of the French Emigration Dépôt, that it was most desirable to ascertain the fact of the existence, or the contrary, of the unfortunate men still missing, as also to await the arrival of intelligence expected through the medium of a Native Chief from Ponta da Lenha, named Chico, who had been employed to treat, if possible, with the natives near Shark Point, the scene of the disaster, I took no hostile steps.

It was the opinion of these gentlemen that the promises of a good ransom for the missing men would, as in the case of a Dutchman captured by the same tribe in February last, prove successful in persuading the natives to give them up, but that any overt act on my part previously to their surrender would result in the certain death of the prisoners.

Mr. Meecham expected to receive some intelligence about the men on the 27th, or soon afterwards, and was of opinion that nothing could be done until he did so hear. From rumours (not at all to be relied on), it appears that the natives only acknowledge to having seen 3 men. Mr. Meecham told me that the vessel was a schooner called the *Shark*, belonging to Messrs. Tobin and Son, of Liverpool, and that he was on board her at the time of the occurrence; as soon as she grounded he hoisted the ensign (union down) to indicate his distress to the French authorities at Banaud Point.

About three-quarters of an hour after she had struck, and while bumping in the surf, the American barque *John Gilpin* passed close to her, but did not offer to render the slightest assistance—an act which all involved in the misfortune, as well as the French at Banaud Point, rightly designated as an act of cruel inhumanity. Very contrary was the gallant conduct of M. Pignaud and his people, as well as that of Mr. Elkman, and his fellow-countrymen, of the Dutch schooner *Gitana* and *Lodovick*, who promptly proceeded themselves in armed boats to lend assistance (there was no man-of-war at

Banaud Point). On arriving at the schooner, one and all worked heartily, and Mr. Meecham and the captain of the *Shark* could not find words to express to me their gratitude for the gallant exertions of these foreigners.

They did all in their power by firing at the natives to drive them off, but by the morning of the 21st they had collected to the number of 2,000 or 3,000, many of whom were armed, and fired on the vessel; and at daylight, all hope being gone (taking advantage of a lull), all, except the boats' crews, washed on shore the previous night, made their escape, and ultimately got across to Banaud. Of the men missing, two were Englishmen belonging to the *Shark*, two coloured men, and two Dutchmen belonging to the *Gitana* and *Lodovick*. There is also missing a native interpreter belonging to the French, who was sent over to gain intelligence.

On the evening of the 22nd the French gun-boat *La Motte Piquet* arrived at Banaud, and on the following morning proceeded to Shark Point to communicate with the natives, taking Mr. Meecham, Mr. Elkman, and M. Pignaud, but they could get nothing out of them, nor would they tell anything about the prisoners, and wished to induce them to go into the interior themselves to look for them; they also had the impudence, while the French man-of-war boats were on shore, to continue stripping the schooner, and to set her masts on fire.

The captain of the *La Motte Piquet* and the rest deemed it prudent to make no hostile movements, for fear of endangering the lives of the captured men. I believe that if there are any prisoners now alive, the offer of a ransom will be successful; and that, on their delivery, nothing but the severest and most prompt punishment to every native in the neighbourhood will compel these savages to respect British property and lives. To give an idea of the inconceivable treachery of these ruffians, I may state that a large number of those engaged in the plundering and probable murder, speak good English, actually hoist a British flag (which I hear they have burnt) at Shark Point when men-of-war arrive there, and constantly are in the habit of bringing off provisions to men-of-war, and in a general way acting as bum-boats. Doubtless a large amount were fishermen, who locate themselves at this season on Shark Point for the purpose of drying fish. There appears to be very little doubt (though no proof) the King Antonio probably the most influential man in the neighbourhood, is deeply involved in the matter.

This man was at a palaver of Chiefs held by Captain Crawford at Shark Point, about 5 or 6 months ago. Believing, as I do, that the opinion of the gentlemen at Banaud is correct, as to the probability of a release by ransom, and the certain death that would ensue to the prisoners on the commencement of hostilities, as also

the delay that must take place before the return of the Chief who has been sent, I proceed immediately to join your pendant, and report the circumstances in person. I have brought with me Mr. Duke, the Master of the *Shark*. I have, &c.

Commodore Edmonstone.

H. H. BEAMISH.

No. 95.—Commodore Edmonstone to Rear-Admiral Sir B. Walker.

SIR, Arrogant, at Prince's Island, October 29, 1861.

IN reference to Admiralty letter dated the 23rd March, 1861, ordering an escort for the Niger expedition, I have the honour to state that I dispatched the *Espoir* on this service, and beg to inclose Commander Douglas' report of proceedings while employed in the Niger.

Although the *Espoir's* ship's company have suffered considerably from fever consequent on her lengthened stay of 81 days in the river, I am happy to say she has not had a single fatal case, and is now at Ascension recruiting the health of her crew, who are much debilitated.

Commander Douglas deserves great credit for his ability and zeal while engaged on this important duty, and I have much pleasure in laying his very able report before you, and have also transmitted a copy for the information of my Lords Commissioners of the Admiralty.

I regret that the hostility hitherto shown to the expedition should have manifested itself so strongly on the present occasion, and I fear that the establishment of a friendly commercial intercourse with the natives on the Niger, some of whom appear to be no better than perfect savages, will be a work of much greater difficulty than was at first anticipated, and it can only be carried out by constant communication with them, when, no doubt, in course of time, they will begin to see the advantages of trading directly with us, and also feel the benefits of civilization.

I now beg to inclose Commander Douglas' report on the Slave Trade in this river; also a letter forwarding a chart showing the track followed by the *Espoir* in her ascent up the Niger, and offering some very useful information relative to the navigation of that river.

Trusting that Commander Douglas' proceedings will meet with your approval, I have, &c.

Rear-Admiral Sir B. Walker.

W. EDMONSTONE.

(Inclosure 1.)—Commander Douglas to Commodore Edmonstone.

SIR, *Espoir*, off Lagos, October 2, 1861.

I ARRIVED and anchored off the Nun bar on the evening of the 9th July. At about 9 P.M. a vessel arrived and anchored not far

from me, this proved to be the *Sunbeam* from Bonny; the tide being favourable, I followed her over the bar the next morning, taking 14 feet across. I remained a few days at the anchorage inside Palm Point, waiting for the *Sunbeam* discharging and receiving cargo; this time I employed in getting out and leaving on board the hulk all the heavy stores, so as to lighten the ship as much as possible. Started for the ascent on the morning of July 18, at 9 A.M.; had not got very far before the ship took the ground in Louis Creek; came off the next day at high water, and after some detention from the shoals about Sunday Island, arrived at Angiana on the 17th, and had an interview with the Chiefs and head men; settled one or two little disputes that had arisen between the agent in charge of the factory and the native traders, and left again on the 19th, leaving them apparently well satisfied. This factory is the one that was founded in November, 1860, by the *Bloodhound*; since this date there has been a brisk trade in palm-oil carried on, and latterly it has increased very much.

After leaving Angiana, no difficulty was encountered on the bar marked in Glover's chart at the south point of Wilberforce Island, but just after passing the village Asasi again grounded at the mouth of the Brass Creek; after some trouble got off. In sounding for a channel sufficient water could not be found for the *Espoir*, though the *Sunbeam* from her light draft of water was able to cross with facility; as the water was now expected to rise very rapidly warped close up to the bank in readiness to get over.

On the 27th July, finding the water rising very slowly, took advantage of the offer of Captain Walker of the services of the *Rainbow*, and proceeded to lighten the ship by getting all stores, coals, &c., into this vessel and lashing her alongside; by this means I was able to bring the ship up from 12 feet to 10 feet 10 inches.

On the 30th July, as a boat was dispatched down the river I took the opportunity of writing in hopes of it reaching and informing the senior officer of my being detained at this point.

August 6th, at 11 A.M., hauled and steamed the ship over the bank, and, after picking up anchors and cables, steamed up to Ekebre, where I anchored for the night.

My time at this point was not entirely wasted, as I frequently visited the villages near to me, explaining to them the objects of the ship's visit, and pointed out the advantages to be gained by trade and intercourse with foreigners. To this they appeared fully alive, and were most anxious a factory should be placed at their village. The Chiefs visited the ships, of which they saw more than they could ever have done before, as on previous occasions no vessels have ever remained more than a few hours.

After having again been on shore for a day, arrived off Kpetema

on the 8th August. These villages are two on the right bank and two on the left bank. Without the slightest provocation they fired on the *Sunbeam* and *Rainbow*, coming down the river in November, 1859. The four of them might contain about 2,000 inhabitants. Having anchored off the largest on the left bank, I sent on shore to call the Chiefs on board. After some hesitation they came, and on my questioning them about the attack, they flatly denied it. When confronted with Captain Walker they began to prevaricate, then wished to go on shore and talk it over, and at length, when I insisted on an answer as to their reason for such an unprovoked attack, they all, with one consent, made a rush to the ports and jumped overboard, not waiting for their canoes, which were lying alongside.

One Chief I detained as he was in the act of jumping out of a port. The people who covered the banks not 50 yards distant immediately rushed to arms, and I expected them to open fire every minute. The interpreter hailed them repeatedly to come off and talk the matter over. This having no effect, I sent for the Chief I had detained, told him the fact of their not stopping to talk the matter over proved their guilt. I would let him go, and if his brother Chiefs did not return and make their people lay down their arms, I must open fire in a quarter of an hour. The time having fully expired, the people only increasing in numbers and filling the bush on both sides of the town, I, at 1.30 p.m., opened fire. After clearing the town, I landed with the boats of the ship, and fired the town. I then weighed and dropped down to the lower villages, and destroyed them in the same manner: during which time the natives were keeping up a smart fire from the bush and high grass which surrounded the town closely on all sides, unfortunately killing John Clanny, stoker, and severely wounding George Williams, A.B., who died a few days afterwards. In this service I was ably assisted by Mr. Teppett, gunner, and Mr. Southwick, master's assistant; also by Mr. Bunn, Assistant Paymaster, and Mr. Slaughter, Assistant Surgeon, who volunteered their services in the boats.

After waiting till dark, not far from the upper village, in hopes of being able to open communication, but no one being seen, I shifted up a few miles for the night. The next morning (August 9th) arrived off the village of Sabogrega; on nearing this line of villages, which are about a mile and a-half long, a white flag was displayed from various points; these villages also fired on the ships in October and November, 1859, killing a mate and a seaman of the *Rainbow*. On my sending on shore, the boat, at first, was not allowed to land; after sending several times, a message was sent off "that the ships might pass, they would not stop or molest them." Nothing would induce the Chiefs to come off to the ship.

As I found I was wasting valuable time in the attempt to open communications with these people, after waiting two days I proceeded up the river, deeming the punishment inflicted on the Kpetema villages would be sufficient warning to these; moreover, if I should not attack Sabogrega, I did not know if I might not drive the other doubtful villages into hostility, as well as giving them time to band together to attack the ships on their way down, which, in the event of the ship having to return with many sick, or getting aground, would not be pleasant, as the deep-water passage is close under the bank on which most of the villages are built, and from which they look down on the deck of a ship passing. I remained a day off the villages of Oloben and Imblamah. The Chiefs came off to the *Sunbeam*, and exchanged presents with Captain Walker. Though these villages did not fire in 1859, their character is doubtful. Owing to this, I took care to inform them, through the Interpreter, that they had nothing to fear if they did not molest the ships. The next village called at was Agheir, which fired on the *Sunbeam* and *Rainbow* on the passage up in July, 1859, wounding Captain Wild, and again on the *Sunbeam*, coming down in November. These people are a different tribe to those about them, and are reported to have emigrated from the Ware branch, and settled in their present position, from which they exact tribute from all canoes passing. The Chief made a statement that it was the people of an adjacent village who fired on the ships without his knowledge or consent, for which he had punished them. He promises none of his people should offend again, and before I left a law was proclaimed in the village to punish any one who should do so.

I arrived at Aboh on the 15th August; and, in anchoring, found that the factory had totally disappeared; this agreed with the report that had reached Captain Walker at Angiana in January.

I sent on shore to call the King on board. Ajie is the present King. The power seems to be divided between him and his brothers, Akia and Tschukuma, all sons of the late Obi. Ajie came the first day, and in answer to questions about the factory, he stated that it was washed away in October, 1860 by the uncommon rise of the river; that Mr. Cole, the agent, who had been left in charge, was gone to the factory at Onitsha. He declined to answer any further questions until Mr. Cole arrived. A boat was accordingly sent from the *Sunbeam* for him. The Chiefs still frequented the ships daily, and received presents from Captain Walker, and all stated their intention of coming to talk the matter over on Mr. Cole's arrival. On the 19th I sent to tell the Chiefs that I was ready to see them, and that Mr. Cole had arrived. The messenger returned with an answer that I must come to the beach to them. On their arrival on the bank I sent to remind them of their promise, as well as

the facts that all palavers before had been held on board. They refused to come, and after several messages Ajie sent to say that as I had sent for him and would not see him, if I sent again he would not come. On sending this message he immediately returned to the town, accompanied by the Chiefs and their followers, of whom there were several hundred, mostly armed.

I inclose a statement of Mr. Cole's regarding the plunder of the factory, and the treatment to which he was subjected. The Chiefs did not give me an opportunity of hearing their side of the question. I cannot but think there must have been some provocation given on the part of Mr. Cole, the more so as during the residence of another agent (Mr. Lyall) at the Aboh factory, affairs went on much more smoothly. They may, perhaps, have been partly induced to go so far as they did from no notice having been taken of the attack on the ships in 1859; the natives fancied they had driven us from the river entirely. The accounts of the factory were lost by Mr. Cole, who brought forward claims against the Chiefs for various goods; they again (as stated by Mr. Cole) brought counter claims that the ground had never been paid for, and there were also large debts owing to Tschukuma, many of them of long standing.

Having waited till 3 p.m. on the 20th of August, in hopes of the King coming off, I weighed, and proceeded up the river, intending again to try and communicate with them on my way down. I did not communicate with any towns between Aboh and Onitsha, though most of them are under the influence of Aboh, except Midoni Ossmari, the town to which Tschukuma's mother belongs, has been at war with Aboh, but is now at peace. The Oko villages are, I believe, the highest point to which the influence of Aboh extends.

On the 23rd August, arrived and anchored off the Onitsha factory. The agent in charge reported all well, though various reports of an intended attack had reached him. The Aboh people had been trying to induce the Onitshas to join them in plundering the factory, telling them that no notice had been taken of the doings last year, or of the previous at Sabogrega.

The town of Onitsha is situated in the middle of a thick wood. These people are not a canoe people, seldom going on the water. One of their suppositions is that the King shall never see the river; he is consequently not allowed to leave his house except on very rare occasions. Another custom or superstition, the King never provides any mat or seat for any one native or foreigner visiting him. Since our first intercourse with these people in 1857 this has caused a number of disputes; latterly the King has allowed the Europeans visiting him to bring their own chairs. Further, shortly before my visit, the King sent to the factory, saying there should be no more palaver about seats. On my arrival, I sent to say



I intended to visit the King the next day, and trusted he would carry out his promise in this matter. The messenger returned with an answer that the King would do so.

The next day, on arriving at his house, I was much surprised to find the King sitting in state, with not a mat even prepared for us.

A few words ensued between the King and myself; so finding my position not very dignified, I turned my back on him, and returned on board.

The next day all the chief men of the town sent to say they would be glad to see me. I accordingly met them at the factory. They appeared sorry for what had taken place, but while they acknowledged it was a most foolish custom, regretted their inability to induce the King to give in. After this I made no attempt to visit the King, nor did I hear from him. The Chiefs were most friendly and civil to myself and officers whenever we visited the town.

From the King's confinement to his house he is perfectly ignorant of all affairs outside, and has accordingly taken advantage of it when appealed to in any dispute by the agent in charge of the factory, who has consequently received no redress.

Understanding that the state of the country was settled above this point, I did not deem it advisable to risk Her Majesty's ship by taking her to the confluence. I accordingly informed Captain Walker, of the *Sunbeam*, that I would wait his return from that point. I also took advantage of the opportunity to communicate with Dr. Baikie, and inform him of my proceedings in the Delta.

On the 14th September the *Sunbeam* returned, and after breaking up the factory I started, in company with her, on the 21st for the descent. Before leaving Onitsha I called the Chiefs, and explained to them that the factory was broken up on account of Mr. Laird's death, but the idea seemed to obtain with them that it was owing to the King's conduct. I have no doubt that if another factory is to be formed here, sooner than lose the benefits of our trade, they will concede the question of seats, if pressed.

Arriving at Abob on the afternoon of the 21st, I sent to call on Tschukuma and his brothers. The boat returned late in the evening, stating that Ajie and Akia were at Oko, but he (Tschukuma) would come off the next day. Because he should have no excuse for not coming, I sent a boat, but now he was sick, and would come the next day. I sent again the third time on the 23rd. Mr. Southwick, Master's Assistant, was in the boat—the cutter manned by kroomen; no arms; the colours flying. After pulling some distance up the creek, he landed, and walked to Tschukuma's house, some 400 yards from the boat. According to my instruc-

tions, he informed Tschukuma I had sent a boat for him if he wished to come off, but he refused to do so.

On Mr. Southwick's leaving the house, a large number of people had collected outside, who attempted to seize him and two of the kroomen who had strayed from the boat. They all, however, reached the bank in safety, and shoved off, the natives following him down the bank, but not attempting to fire, though many had arms with them. It seemed to have been their object to detain him, if possible.

I now gave up all hopes of coming to any peaceable arrangement, or recovering any of the British property from these people. Even if my instructions had allowed me to do so, I did not feel justified in attacking a large town of this sort of which the lowest estimated population is 8,000.

I could not approach closer than half-a-mile to the nearest point, while the more distant part is fully two miles. Shelling a town of such magnitude, &c., from one gun would have been absurd. I cannot but add that this attack on the boat was most unprovoked, and tends to show how little trust should be placed in these people.

Having well considered the subject, and determined not to act myself in the matter, I left the town as soon as possible, and proceeded down the river, and the towns I had formerly visited appeared friendly; the natives crowded the banks to see the ship, so I did not deem it necessary to again stop.

The Kpetema villages were rebuilt; the natives were not to be seen till passing the last village, when a few were visible; but, after the ship had left them a quarter of a mile astern, well out of range, they commenced firing, and kept it up for some time. This, I believe, was meant for a defiance or challenge for me to return and fight them; but as they had refrained from actually firing on the ship, I did not molest them. All the so-called hostile towns, as well as Imblamah and Oloheir, are, I believe, governed by independent Chiefs, yet at times they act together and assist one another.

I arrived at Angiana on the 24th, and, finding all well, proceeded to the anchorage at the Nun mouth, which I reached on the morning of the 25th. The *Sunbeam* arriving next day, after having broken up the Angiana factory, I remained at the mouth of the river preparing for sea till the 28th, when the bar being good I crossed at high water. Outside I met the *Bloodhound*, just arrived with provisions. These I received, and weighed the same evening to proceed to Lagos.

I am happy to state that no deaths from fever occurred during the 81 days the *Espoir* was in the river. The weather was very

dry; no rain during July and August. The general health of the ship's company was very good for the first 30 days, after which cases of fever appeared, gradually increasing in number till the 52nd day, when a third of the ship's company were sick. From this time the amount of fever gradually diminished, and ague appeared, from which, and the debilitating effects of the fever, many are, and will suffer for some time. I have, &c.

*Commodore Edmonstone.*

SHOLTO DOUGLAS.

(*Inclosure 2.*)—*Commander Douglas to Captain Walker.*

SIR,

*Espoir, off Asasi, July 24, 1861.*

HAVING found greater difficulty in the ascent of the River Niger than I anticipated, owing to the low state of the river and the great draught of the *Espoir*, I have considered your offer of the gratuitous services of the *Rainbow* hulk, and thinking the acceptance of her would greatly facilitate the ascent, I hereby request you will allow me the use of the *Rainbow* on the under-mentioned terms.

In the event of the *Rainbow* being totally lost when employed on Her Majesty's service, all claims on Her Majesty's Government for such vessel shall not exceed the sum of 200*l.* if not returned in like condition to which received, excepting all ordinary wear and tear, the claim for remuneration to be in proportion to the injury sustained.

If you should see fit to allow me the use of the *Rainbow* on the above terms, you will be pleased to inform me, and you are at liberty to proceed in execution of this service as soon as possible.

In the execution of these orders you will be back to this by at latest the 30th instant.

I am, &c.

*Captain Walker.*

SHOLTO DOUGLAS.

(*Inclosure 3.*)—*Statement by Mr Cole respecting the Aboh Factory.*

[See Page 599.]

(*Inclosure 4*)—*Commander Douglas to Commodore Edmonstone.*

SIR,

*Espoir, River Niger, September 26, 1861.*

IN pursuance of Slave Trade instructions, page 123, Article XXVI, I beg to offer the following information I have obtained from various sources, and also from my own information:—

1. *Aboh*.—The Treaty made with Ohi, the late King of this town, in 1841,\* by Captain Trotter, is a perfect dead letter. On the visit of Agi (Ajeh), the present King, to the *Espoir*, I questioned him as to this Treaty, and though he was a party that signed, he denied all knowledge of any such Treaty; the native

\* Vol. XI. Page 901.

who interpreted being Ali Hare, the man who acted as pilot to Captain Trotter, he remembered the ships perfectly.

2. *Export of Slaves from Aboh.*—I am informed that a large number of slaves are sold down the river from Aboh, mostly to the Brass men, who pay for them with guns, rum, and salt; as many as 100 have been sold in this manner in a day. I have myself seen canoes going down the river with slaves in irons. If all these slaves go down for service in the lower part of the Delta, I cannot say; but I think some must be for export, from the fact of gold and silver coin being seen in possession of the native traders.

3. That the King of Aboh is willing to sell slaves is proved by the fact of his asking some of the officers of this ship who visited him, why it was we did not buy slaves; he was able to fill three ships if we would only buy.

4. Human sacrifices are carried on to a large extent at Aboh; see Inclosure, copy of a statement made by Mr. Cole, the Agent at the Aboh factory. Three slaves also took refuge on board this ship, stating that a priest had ordered a sacrifice of 5 slaves; two had been killed, and the 3 in question hearing they were to be the next victims, made their escape in the night.

5. All the Articles of the Treaty with Aboh respecting free trade with surrounding towns have been disregarded; they are, moreover, totally at variance with all the customs of the country, the King not allowing any but few of his traders to trade at the factory. When it was in existence the people from the opposite town of Endoni were ordered away when attempting to trade.

6. *Onitsha.*—No Treaty has been signed by this town, but I think it was as well to state that on the crowning of a new King as many as 60 human beings are sacrificed. The spot was pointed out to me by one of the natives, who volunteered the statement, which I believe was correct. I have, &c.

Commodore Edmonstone.

SHOLTO DOUGLAS.

(Inclosure 5.)—*Statement made by Mr. Cole, Agent in charge of the late Factory at Aboh.*

(Extract.)

I MAY as well add for your consideration a specimen of Ajie's brutality.

One day (the precise date I do not remember) Ajie seized upon one of his slaves, and after torturing him for some hours, put him to death in the most barbarous and disgusting manner. He then set the corpse in front of my factory as a further proof (for I have had many) of his bloodthirsty propensities. The next morning Ajie sent his son under an escort to ask me what I thought of his

power. A longer description I am not capable of giving, for the murder was perpetrated with the greatest obscenity and barbarity.

WILLIAM COLE.

(Inclosure 6.)—*Commander Douglas to Commodore Edmonstone.*

SIR,

*Espoir, off Lagos, October 2, 1861.*

I beg to forward a chart of the track followed by the *Espoir* in her ascent of the River Niger as far as Onitsha in July, August, and September; as well as some information as to the navigation of this river.

2. The tracing has been taken from Lieutenant Glover's chart, and some of the reaches appear to have been rather out of proportion. Many sand-banks are added which appear in the chart with from one to two fathoms of water on them, which no doubt they would have if the river was full.

3. The ascent of the river was made from July 18th to 20th, from the river's mouth to Espoir Reach; from the above reach to Onitsha between the 21st September and the 26th.

4. During the stay at Onitsha the river was nearly stationary from August 22nd to September 10th, at which date it commenced to rise, and in a period of 11 days, up to 21st September, it has risen 9 feet.

5. My observations incline me to think that the river rises gradually from May till the commencement of July, when it is nearly at a stand till the end of August, when it again rises, and at the middle of October it is supposed to have reached its maximum. This period of about 6 weeks is without rain, and is, I believe, what Mr. May in his chart calls the "minimum state of the river between the rains."

6. It is, I believe, established that the Tehadda or Binni commences to rise before May, and, according to Dr. Barth, vol. v, p. 7, the Kwora was not at its highest till January 12, from which date it commenced to fall. The great difference in the time of the rise of these two streams does not seem to agree with the greatest rise of the single stream—the Niger. The rise of it may be more dependent on the rain that falls in its vicinity than in the waters it receives from its two tributary streams. The rise of the main stream certainly coincides with periods of heavy rain about this part. Joint observations in different parts only would prove this.

7. The height of the water above does not affect the river at the Nun mouth, except that the ebb runs much longer, the flood at times being reduced to two hours. 5 miles from the mouth the flood will not appear, only a rise and fall of water.

8. The water on the bar is much less than the chart would lead

you to believe. Trotter Point open twice its own height of Palen Point, leads over in 15 feet high water. I have, &c.

*Commodore Edmonstone.*

SHOLTO DOUGLAS.

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*No. 96.—Report from Captain Walker, of the Expeditionary Steamer Sunbeam, giving an Account of the Expedition up the River Niger in 1861, and inclosing Journal of Proceedings.—(Communicated to Earl Russell by Mr. Hamilton, December, 1861.)*

*Captain Walker to Mr. A. Hamilton.*

*Sunbeam, off Walker's Point Factory, River Nun,*

*(Extract.)*

*September 28, 1861.*

I HAVE now the pleasure to inform you of the *Espoir* and *Sunbeam's* safe arrival here on the 25th instant, after a most difficult, dangerous, and tedious ascent of the river, and our hasty descent.

I am glad to inform you that during the 75 days we have been up the river neither the *Espoir* nor the *Sunbeam* have lost any Europeans from sickness; this alone speaks volumes for the future opening of this noble river, notwithstanding the failure in realizing my cargo into produce, and the perfect impracticability of accomplishing more than one voyage up the river this year, from a combination of circumstances, partly unforeseen, and partly that might have been avoided, if a more suitable gun-boat had been sent to escort the *Sunbeam* up the river.

I will now endeavour to lay before you full particulars of our ascent and descent of the river; my private journal, which I send herewith (I particularly request your special perusal of it), recording daily all particulars which came under my notice, from the date of our ascent of the river until my arrival here on the 25th of September.

My last letter to you, dated the 29th July, would show you that in consequence of the heavy draft of the *Espoir*, one voyage up the river this year would be accomplished with great difficulties. I now confirm this statement—that in consequence of the heavy draft of the *Espoir* in delaying our ascent of the river, together with the hostility displayed by the natives of the Delta and Aboh, both on our ascent and descent, I have been prevented from making more than one voyage up the river, and realizing my cargo into produce.

I must also state that we have had more difficulties to contend with up the river than we anticipated; the water was much lower this year than last, in consequence of no rain—this has been a great drawback to the *Espoir's* heavy draft; besides the natives in the Delta were all hostile, from Kpetema to Aboh. In consequence of this hostility, and the unsettled state of nearly the whole river, it was deemed prudent for the *Espoir* to remain up the river to escort the *Sunbeam* down.

Commander Douglas fixed the 20th of September for descending. I proposed the 28th of September to leave Lairdsport. I must remark here, that during the 75 days' absence up the river I had only ten days for trading operations at the confluence, and 21 days at Lairdsport, showing you that in so short a time I could not possibly dispose of my cargo, more especially as our absence last year rendered it doubtful to the natives whether any ship would visit them this year; they, therefore, had no produce collected, and very little time after the ship's arrival to collect it.

The Aboh people being hostile with us, were afraid to bring oil to Lairdsport for sale, and stopped their neighbours and the Oko people from trading with the factory; consequently my trading operations have been very limited.

*Kpetema Villages*—I am sorry to state that the *Espoir* had two of her white crew shot by the natives of these villages, which were destroyed by the *Espoir* on our ascent of the river; and upon our descent the houses were rebuilt, and immediately the *Sunbeam* and *Espoir* passed them the villages fired a volley of musketry, and cried out, "Come back and burn our town again," showing you how little they cared for the destruction of their towns, and how little they feared the gun-boat. Every village, from Aboh to Kpetema, were all armed, and ready to fight, if the gun-boat had attempted to fire coming down; one gun-boat has proved perfectly insufficient to put hostilities down in the Delta. I am very sorry to state that the river is now left in a more unsettled and hostile state than before our ascent.

*Aboh and Factory*—I am sorry to state that I have not received any compensation for the destruction and plundering of Aboh factory. I made a requisition to Commander Douglas, of the *Espoir*, to call a meeting of the King and chief men to investigate the affair, but they refused to come on board, both on our ascent and descent, and attempted to seize the *Espoir's* boat, officer in charge, and crew. The Commander, considering the Aboh people to be too powerful for one gun-boat, steamed away from Aboh as quickly as possible. This, I think, will show you the present hostile state of the river.

*Lairdsport Factory (Onitsha).*—I am glad to inform you I found the people all well, but destitute of provisions and the common necessities of life. I found 16 tons of oil here; 7 tons I left in 1859, and 9 tons purchased since my absence. Mr. Thompson, the manager of the factory, informed me that the natives intended to plunder the factory if the ship had not arrived this year. From my arrival this year to the 20th September I purchased 16 tons of oil, making 32 tons in all from Lairdsport. I have broken the factory up, and brought all the people down, and produce.



*Leirdetern Factory (Confucener).—*I am glad to inform you that I found the people belonging to the factory well, and Dr. Baikie and his party also, but, just as I anticipated, starving from want of provisions: this I very soon remedied. I am sorry to report I only found 642 lbs. of ivory, and 235 gallons of shea butter: I purchased, during my short stay, 598 lbs. of ivory and 222 gallons of shea butter: if there had been time for me to remain here 6 weeks, I would have sold all my cloth, but unfortunately my time was short. This factory I broke up, and have brought the people and produce down. Dr. Baikie I left there, with a few Sierra Leone people.

*Angians Factory.—*I found 1,237 gallons of oil upon my descent; broke up this factory also; brought the people and produce down in the *Sunbeam*.

*Walker's Point Factory.—*I keep this open until I sell the 50 tons of salt which are now at Bonny, and I am in hopes of disposing of my cloth along with the salt: I shall do my best. I purpose also to pay off my kroomen with all cloth and velvet; they want guns and powder, but I have none; I will have some difficulty in pleasing them; they have been of great service to me.

*Mr. Wm. Cole*, manager of the Aboh factory, who proceeds home by this mail. I inclose you his statements of the destruction and plundering of the Aboh factory. I send you, herewith, copies of his instructions from me, copy of his agreement and account of wages. In consequence of the King and Chiefs of Aboh refusing to come on board the *Espoir* to hold an investigation, I have been unable to learn more, at present, than his own statement, having, as he states to me, lost all his books and documents in connection with the factory; it is very possible that I may glean something further by the time I reach England; in that case, perhaps, you will postpone settling finally with him until my arrival there.

*Fuel.—*I am sorry to report that in consequence of the *Kepoir* taking the ground so frequently, and towing her off with the *Sunbeam*, I have consumed more fuel than I should have done. I inclose you an account, showing you my expenditure and what remains in stock from the 100 tons received from the *Lord Dufferin*.

Mr. Taylor and his party have arrived from Bonny in Her Majesty's ship *Bloodhound*, and as Mr. Crowther has decided upon keeping up Angiana station, and building a large station at Aknana, he has promised to draw from me a large quantity of goods after the departure of this mail.

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(Inclosure 1.)—*Abstract of Captain Walker's Journal of the steamship Sunbeam, River Niger.*

*Tuesday, July 30, 1861.*—THROUGHOUT this day fine weather and cloudy. Served out quinine to the ship's company; people employed variously; raised steam and proceeded alongside of the *Espoir*, to tow her across the bank. At 1 P.M., about high water, steamed full speed with the *Espoir* in tow lashed alongside of the *Sunbeam*, but did not succeed, the *Espoir's* draft being 11 feet aft, and 9 feet forward, and only  $9\frac{1}{2}$  to 10 feet water on the bank; tugged away for two hours, but did not succeed; cast off and anchored abreast of her. Engineers condensing water the remainder of the day. Dispatched the gig with the mails for England for the mouth of the River Nun; thermometer at 8 A.M.  $74^{\circ}$ , very cold; 8 P.M. thermometer  $86^{\circ}$ , sultry in the shade. Found the tide gauge which I left in the water last night stolen by the natives this morning; made another, and set it again; put a watch on it this time. Lieutenant Glover's chart is very much wrong in this part of the river; he gives  $4\frac{1}{2}$  fathoms as the minimum depth, when it is only about  $8\frac{1}{2}$  to nine feet from my experience in 1859, in my two ascents of the river in June and July, 1859, also the present year and date.

*Wednesday, July 31.*—Throughout this day fine weather and clear, with pleasant breeze from south-west. At 9 A.M. Commander Douglas, and the officers of the *Espoir*, with two armed boats arrived alongside of the *Sunbeam*, for the purpose of visiting Ekebre village, being doubtful whether friendly or hostile. At 9 15 A.M., weighed, and steamed full speed up the river. At 10 10 A.M. anchored off Ogoobri village, and visited the King and chief men. Walked through the village, and afterwards proceeded on board. At 12.45 weighed, and proceeded towards Ekebre. 1 50 P.M., anchored off Ekebre. After dinner proceeded on shore, and walked through the town. The King and chief men visited the ship; Commander Douglas had a long palaver with them, and told them he be war king and that I be trade king, and any black man who molests my people when trading, he Commander Douglas had come to settle that palaver, and if any town want to war with white man, he go war with them; and if any man want to live at peace with white man, we would be friendly also, and trade with them. He impressed them with the importance to allow white man ship to pass their village without molestation. The King and chief men gave their assent to all the talk palaver, when the conference broke up.

I instituted inquiries why the natives fired upon the *Sunbeam* and *Rainbow*, but did not succeed in extracting any information about the hostile towns. I have carefully noted this particular,

that all the villages we have yet visited ignore all knowledge of the hostile towns, and of having any connection with them in any respect. 5.20 P.M., weighed anchor and proceeded towards the *Espoir*, below Tuesday Island; saw about 300 yams at this village, but did not succeed in purchasing any; the owners of them wanted half a barrel of salt for seven yams, and refused besides to bring them alongside. Offered half a barrel of powder and half a barrel of salt for 10 yams, but this was refused. At 6.7 P.M., anchored astern of the *Espoir*, when her armed boats and men left the *Sunbeam* and proceeded on board the *Espoir*. I find the water in the river has not risen more than 2 inches since our first arrival here, which is very unfortunate for me, as the time for disposing of my unsaleable cloth will be curtailed considerably, and the 3 intended voyages up the river this year is becoming very doubtful. I am beginning to think that one voyage will be executed with difficulty, all through the heavy draught of the *Espoir*.

I am glad to note there is no sickness either on board the *Espoir* or *Sunbeam*, which is a most fortunate circumstance. I am doing my utmost in forming pleasure excursions to keep the Commander and his officers, and men of both ships, cheerful and their minds occupied.

8 P.M. secured the boats and set the watch as usual; all guns and fire-arms in good working order; one gang of kroomen cutting firewood in the bush the whole day. Expended one and a quarter tons of fuel in steaming to Ekebre. Gave a dinner to Commander and officers of *Espoir*, and entertained them the remainder of the day; at 6.30 P.M. they left the *Sunbeam*, and proceeded on board the *Espoir*.

*Thursday, August 1.*—Throughout this day fine weather, with moderate breeze from south-west. Served out quinine to the people. Kroomen employed cutting and splitting firewood for the furnaces. Two boats and crew employed sounding for deep water, and buoying the channel; found 10 feet 6 inches at high water. Making preparations for towing the *Espoir* across the flats ahead of our position. Find very little rise in the river, which is most unaccountable at this period of the season. The only way which I can account for it is having no rain.

Thermometer ranging from 78° to 82° in the shade. 8 P.M., set the watch and secured the boats.

*Friday, August 2.*—Throughout this day fine weather and sultry. Served out quinine to the people. Engineers repairing the tubes of the boiler, and putting new ferrules in the tubes which I received by this mail. At 3 P.M. raised steam and took the *Espoir* in tow. At 4 P.M., when entering the buoyed channel, the *Espoir* took the ground, and before the hawsers were let go, the *Sunbeam* grounded.

also; laid out stern anchor, and hove taut on the cable, and went astern full speed, but did not succeed in getting her afloat before the tide commenced to ebb. Secured everything for the night, with orders to have steam ready at high water in the morning. At 8 P.M. secured the boats and set the watch, and banked fires for the night. Thermometer from  $80^{\circ}$  to  $84^{\circ}$  in the shade. The tide rises and ebbs 15 inches here, and spring tides about 17 inches ebb and flow. The *Espoir* and *Rainbow* lying close to. I am glad to state that there is no sickness on board either ship; all hands well and cheerful, notwithstanding our difficulties and detention here.

*Saturday, August 3.*—A.M., fine weather but cloudy. Served out quinine to the people at 5 A.M. Commenced heaving on the stern cable and turned astern full speed, to get the ship afloat. Kept heaving and turning astern full speed until high water, but did not succeed in floating the ship into the deep. After breakfast ran out another chain cable, and secured it to a large tree on shore, and hove it taut. Noon; very cloudy, and inclined to be wet. P.M. Frequent showers of rain, with light variable winds. Secured everything for the afternoon tide. Engineers condensing water during the interval between high and low water. At 4 P.M. turned astern full speed, and hove upon the stern cable until 7 P.M., but did not succeed in getting the ship afloat; banked fires for the night. Expended  $1\frac{1}{2}$  tons of fuel for this service to-day; made preparations for lightening ship in the morning. At 10 A.M. the gig arrived from the Nun Mouth, with a note from Mr. Hattersley; brought the fishing-seine, two turkeys, and two fowls; found them very acceptable, being out of all fresh provisions, and the natives in this locality are terrified at the warlike appearance of the *Espoir*, therefore they make no visits to the ships now; at first, when we anchored here, they thought the *Espoir* was full of salt, but since they have ascertained that she is a "war ship," not a single visit has been made to either ship, and when any canoes pass by, they sneak away to the opposite side of the river.

I find the water has ebbed 12 inches and flowed  $17\frac{1}{2}$  inches from my gauge-pole to day; the water has risen only 5 inches in 16 days. The season appears to me to be very late. Where we are at anchor now, and find only 10 feet of water, Lieutenant Glover's chart shows  $4\frac{1}{2}$  fathoms in November, showing that charts are very poor guides in this river. This river should be surveyed at the lowest ebb, or during the dry season. 8 P.M. secured the boats and set the watch. Thermometer  $80^{\circ}$  in the shade.

*Sunday, August 4.*—Throughout this day fine weather and clear. At daylight commenced heaving upon the stern cable, and discharged fuel to lighten the ship. At 10 A.M., after lightening the ship she floated into deep water; picked up the anchors and raised

*Tuesday, August 6.*—Throughout this day fine weather. Served out quinine to the people. About 7.30 A.M. the *Espoir* weighed and steamed towards the shoals. At 8 A.M. she took the ground. Fastened a hawser to the *Sunbeam* and steamed ahead with the *Sunbeam* to tow her over the shoal patch, but did not succeed. About 9 A.M., after heaving upon the hawser, and backing astern with the *Espoir*, she succeeded in crossing the shoal patch, but unfortunately she took the ground abreast of the creek leading to Brass River. Fastened a hawser to the *Espoir* and steamed with the *Sunbeam* ahead to tow her off the ground, but the hawser parted, when the Commander ran out another hawser and kedge anchor, and hove upon it, but this failed also; fastened two hawsers to the *Espoir* and commenced steaming with the *Sunbeam* when the tide twisted the *Sunbeam* across the river towards the shoal, when I let go the hawsers and steamed ahead of the *Espoir*. Anchored the *Sunbeam*. Fastened two hawsers again to the *Sunbeam* and steamed full speed ahead, when she had last floated into deep water. Slipped the *Espoir's* bower anchor and cable, and towed her into deep water, when she anchored close to the starboard shore until she picked up her anchor and cable, and warp and kedge anchor. Proceeded over the shoal-patch with the *Sunbeam* and towed the *Rainbow* alongside of the *Espoir*, and delivered her over to the *Espoir*. Steamed ahead of the *Espoir*, and anchored until she was ready to proceed. Sent the long-boat and gig well-manned to assist the *Espoir* in picking up her anchors and cable. By some error in judgment the *Espoir* slipped her warp and kedge, and after the *Sunbeam's* boats along with *Espoir's* were grappling for it about 3 hours, failed in getting it. 5.30 P.M. weighed and steamed full speed, the *Espoir* taking the lead, notwithstanding the Commander and myself making arrangements for the *Sunbeam* to lead the way, so as to keep the *Espoir* afloat, the *Sunbeam* being the lighter drafted ship. At 7 P.M. anchored off Ekebre village astern of the *Espoir*. 8 P.M. secured the boats and set the watch. Gave orders for steam at 5.30 A.M. in the morning; banked fires for the night. Received a note from Commander Douglas to have steam at 5.15 A.M. Replied to his note.

*Wednesday, August 7.*—Throughout this day fine weather. At 5.45 A.M. weighed anchor and steamed full speed ahead, *Espoir* in company astern, *Sunbeam* leading the way. At 1 P.M. the *Espoir* took the ground abreast of the creek said to communicate with Brass above Tuesday Island, and immediately below Ekole village. Fastened to the *Espoir* stream chains and hawsers, and tugged away the whole day with the *Sunbeam*, when, after persevering, she floated into deep water at 7 P.M. 8 P.M. set a strict watch, and secured the boats. At 4 P.M. observed at Ekole village, with my

long and powerful telescope, the villagers walking about with muskets. I think Ekole is a dependency of Kpetema, the hostile villages. I am not quite certain, but it being so near the latter, there must be some connection. All fire-arms ready for action, both small and large. Quinine as usual. Thermometer 82° noon; at 6 A.M. 75°.

*Thursday, August 8.*—Throughout fine weather. Served out quinine to the people. At 9 A.M. weighed in company with the *Espoir*; the *Espoir* taking the lead for Kpetema villages. At 10.35 A.M. anchored off Kpetema villages; these are the villages which fired upon the *Sunbeam* and *Rainbow* in 1859. Commander Douglas sent a boat on shore, with an interpreter, to inform the King that his presence was required on board; a message was sent off from the King that he would be off as soon as he procured a suitable present for the Captain. The boat was again sent to the other two villages to call the Kings and chief men off on board the *Espoir* for the purpose of making inquiries, and what were their reasons for attacking the ships in 1859. About 1 P.M. the Kings and chief men arrived on board the *Espoir*; Commander Douglas put the question to the King about firing upon the *Sunbeam* and *Rainbow*; but they denied having done so, and rose up immediately from their seats, and expressed themselves that they wanted to go on shore, and hold a palaver about what they should say. Orders were given for them to sit down; but they would not, and jumped overboard before another word was spoken. Secured one of the Kings; but afterwards he escaped by jumping into the river, and swam ashore. The natives on shore took the alarm, and were running about with their guns and kegs of powder, when the *Espoir* opened fire upon the starboard village. After firing for about half-an-hour, the *Espoir's* boats were manned, and the houses set on fire; the *Espoir* then dropped down and fired into the others, and set them on fire also. Fired from the *Sunbeam* on the first village, after the *Espoir* dropped down to the others, and kept up the fire. I am sorry to report that two Europeans were wounded on board the *Espoir* from stray shots from the natives, who secreted themselves amongst the bushes above and immediately below the villages. At 3.10 P.M. weighed anchor and proceeded in company with the *Espoir*, and anchored abreast of the upper village, opposite Taylor's Creek. Found the village deserted, and did not consider it necessary to set this on fire. Made signals for the natives to come off and explain our objects, but not a person was seen. At 5.20 P.M. proceeded for Sobagrega. At 6 P.M. anchored about one mile below it for the night. At 8 P.M. set a strict sea watch, with orders to look out for the natives firing upon the ship. Secured the boats. Thermometer, 6 A.M., 74°; noon, 82°.

*Friday, August 9.*—Throughout this day fine weather. Served out quinine to the people. At 7 A.M. the *Espoir's* boats were manned and proceeded on a sand-bank to bury the man who was shot, yesterday by the natives on board the *Espoir*. At 8.30 A.M. weighed in company with the *Espoir*, and steamed for Sobagrega. At 9.15 A.M. anchored abreast of the village. Proceeded on board the *Espoir* with the interpreter, John Smith and the Rev. Samuel Crowther. Commander Douglas manned his gig, and sent on shore, with the interpreter and the gunner in charge, to communicate with the King and chief men, and to invite them on board; but I am sorry to state that the boat returned without any satisfactory reply, and the natives appeared all in arms, and beckoned to the people in the boat that they would not allow any one to land at this village. The boat was again sent to try to induce the King to come off to the ship and explain his reasons for firing upon the *Sunbeam* and *Rainbow* in 1859, killing Mr. Kirkpatrick, second officer of the *Rainbow*, and the Captain's steward of the same; but to no purpose. The boat returned with a message from the King that if we sent a boat on shore that he would send a canoe off alongside with two men in her; this was done, when the natives were brought on the quarter-deck of the *Espoir* they were asked the reasons why the King did not come off to the ship; the reply to this was, they had a message up from Kpetema villages yesterday, stating our operations there; and the King, of course, was afraid to come on board after yesterday's affairs at Kpetema, and the King did not want war, but wanted peace and trade, and that he would not fire upon any more ships, whether they did not trade with his people, or stop at the village; two white flags were also hoisted on shore as signs that they did not want to go and war with us; but we might pass by without any molestation in future; the King's messenger was told that we wanted the King to tell us this himself. The messenger was sent on shore along with the interpreter; the interpreter returned with a message to say that if we sent off a thousand times the King would not come off to the ship. The Commander decided to remain all night and give them some time to think over the matter, and it was arranged to inform the King in the morning that white man's King sent to know why he fired upon white man's ship. No further communication was made. Noticed the natives on shore carrying muskets, and evidently prepared to resist an attack; a number of canoes passed the ship both up and down the river with powder and muskets in their canoes. The messenger also told us that they had removed the children and women into the bush, expecting an attack from us. During this day all hands stationed at the guns ready for immediate action. Dined with the Commander. At 8 P.M. hoisted the boats, and set the watch; a sea-watch kept, with strict orders to



call me upon the least alarm. The other man who was shot yesterday through the head very ill, and very little hopes of his recovery. Thermometer in the shade 82°. Banked fires for the night.

*Saturday, August 10.*—First part cloudy weather, with a dense mist creeping over the land. At daylight barricaded the poop with shooks and topgallant forecastle to protect the men at the guns. The natives appear very hostile, all seem bent on resisting an attack upon their town; the ground at the front of their huts is covered with muskets and cartridge-pouches, and the stillness which prevails on shore evidently appears that they will not suffer their town to be burnt down with impunity. Both sides of the river opposite the ship's position, and particularly amongst the long grass, noticed a number of men with muskets walking about. I am afraid that the burning of Kpetema villages has not impressed them sufficiently with the importance of our power; however, it remains to be seen. At 8 A.M. Commander Douglas sent a message to inform me that he would weigh and proceed up the river. After breakfast prepared for weighing. At 8.40 steamed full speed for the next hostile town marked on the chart (Oloberi, Kiamah, and Optolo). At 12.30 P.M. anchored off the village Oloberi. Sent a messenger on shore for the King; but he sent a reply to say he feared to come to the ship, alleging as an excuse that he had heard that we invited the Kings of Kpetema village on board, and afterwards made them jump overboard, and blow their town down; but he also said he no fear too much, as he no do bad for white man. In order to facilitate the business, I proposed to meet the King at the landing-place, which Commander Douglas approved of. Proceeded in my boat and recognized the King, when he immediately shook hands with me, and promised to come off to my ship, but he no fit to go on board the devil ship, meaning Her Majesty's ship *Espoir*, provided I left a white man on shore; agreed to this and left Mr. Kelly, my second officer, when His Majesty came off in a canoe, with 6 powerful fellows as a body guard, thinking he was not quite safe even in the *Sunbeam*. Invited him to eat and drink. When one of the *Espoir's* boats came alongside the King rushed into his canoe before I had time to speak to him, and off he went on shore. After dinner proceeded on shore to the landing, when I again persuaded him to come off, which he did. Received a dash from him and the second King; dashed them in return, as per general expense book. I then told the King what Commander Douglas instructed me to say to him which is thus: Sobagrega fired upon the *Rainbow* in November, 1859, and killed my nephew and a black boy, a native of Prince's Island, and that our King send this war ship to settle this palaver. And that we remained one day at Sobagrega village; but the King

would not come off to the ship, nor treat with the Commander of the war ship (*Espoir*), but sent a very insolent message off to us that we must go up the river, and that if we sent on shore a thousand times he the King no fit to come off to the ship. Told the King very plainly that if the King of Sobagrega will not humble himself by paying a fine of 20 puncheons of oil, and acknowledge his fault, that then big palaver the war ship go set it by doing the same to Sobagrega as was done to Kpetema. The King immediately agreed to go on shore, and if we stopped here two days be fit to settle them palaver. The King proceeded on shore with his retinue, seemingly well pleased. I informed Commander Douglas of the results of our interview, when he agreed to remain. Drew fires to save fuel, and cleaned the tubes. At 6 p.m. cleared up the decks, and saw all clear for an attack upon the ships; both small and large guns loaded. At 8 p.m. secured the boats, and set a strict watch. One officer on the watch, divided into three watches. Divided the dash with the Commander, viz., 1 goat and 10 yams. Thermometer 80° noon. 78° at 6 a.m. in the saloon.

*Sunday, August 11.*—Throughout this day fine weather. Served out quinine to the people. Nothing particular occurred to-day of any importance concerning Sobagrega. The seaman who was shot on board the *Espoir* at Kpetema villages died this morning. At 5 p.m. buried him on the opposite shore. At 10 a.m. the Rev. Samuel Crowther performed divine service on board the *Espoir*, attended with part of my people. Commander Douglas sent a message on shore to the King to ask his permission to inter the remains of the departed seaman, when the King sent to say that the land belonged to the Commander, and might do what he pleased. After the body was buried, the King sent a message off to say that the ground in which the corpse was buried did belong to another King, showing very little trust is to be placed in what they say. Thermometer 80°. At 8 p.m. secured the boats, and set the night watch. Had very little communication with the natives, this being the Sabbath day.

*Monday, August 12.*—First part fine weather. Served out quinine to the people. At 8 a.m. sent the interpreter on shore with a message to the King to know the result of his negotiations with the King of Sobagrega. He sent a message to say that the King of Sobagrega would not come off to the ship, and when his people fired upon the *Rainbow* in 1859, he was then absent from the town, and he punished several of his people for doing so, and promised in future not to fire again. If this had been told us by the King himself, it would have shown submission on his part; but as it comes from another King, and no reliance to be placed upon his statement,

it therefore remains doubtful. The King also sent us a message to say if I sent 3 white men on shore as hostages, he would then visit the *Espoir*. This, of course, was refused, when it was considered that no further information could be obtained from this people. Purchased from the people of these villages a quantity of firewood, a few fowls and goats. At 11.50 weighed anchor, and proceeded higher up the river. At 2.40 P.M. anchored for shoal water. P.M. fine weather, but showery. At 3.45 P.M., after sounding, found a passage in the middle of the river, with 4, 3, and 2½ fathoms of water; this is abreast or a little below the upper end of Stirling Island. At 5.40 P.M. anchored off the villages of Imblamah to communicate with the King. Sent the interpreter on shore with a message to invite the King off to the ship upon a friendly visit in the morning. The King consented to visit the *Sunbeam*; but refused to visit the *Espoir*, alleging as an excuse that he was too old to swim, meaning that he heard how the King of Kpetema villages had to swim on shore from that ship. Noticed the white flag flying at all these towns, showing they understand the meaning of a flag of truce. The officer in charge of the gig which took the interpreter on shore saw several of the inhabitants of the village which we left this morning on shore, showing they all band together against a common enemy. At 8 P.M. set the tide-pole; secured the boats and set the watch. Found the tide-pole this morning showed a rise of the river of four inches in 18 hours. Thermometer 84° at noon in the shade.

*Tuesday, August 13.*—Throughout this day fine weather. Served out quinine to the people. At 7 A.M. sent a message on shore to invite the King off to the ship. At 8 A.M. the King came alongside, but refused to come on board, alleging that he was too old to come up the side-ladder. Had a long palaver with him about the towns which fired upon the ships in 1859. He assured me that he be proper friend for white man, and he wanted a trading factory in his town, as the Brass trader cheated him and his people, and wished sincerely to live on good terms with white men; that his towns did not fire upon the ships. Received one goat from him as dash. Dashed him in return. Purchased a quantity of firewood and stock. Asked the King to proceed on board the *Espoir*; but he positively refused; took leave of him upon friendly terms. At 10.50 A.M. weighed and proceeded up the river. At 3.55 P.M. anchored off Agberi villages. Found the town which fired upon the *Sunbeam* and *Rainbow* in 1859 stockaded and warlike in its appearance, and the natives well prepared to resist an attack. Sent a messenger on shore to invite the King on board the *Espoir*; but he refused. Sent another message to him to know his reasons for firing upon the ships in 1859; and also to inform him that the

*Espoir* was sent by white man's King to settle that shooting palater upon the *Rainbow* and *Sunbeam* in 1859 by his people, and to come on board and deliver this message himself. He sent a message off that he would send his son on board if one white man was left as an hostage. Commander Douglas agreed to this, and left Mr. Hart, one of his people, on shore, when two Ebo men were sent in place of his son: sent them on shore with a message to the King to know the reason why he would not send his son, or come himself, after leaving an hostage on shore. The boat returned with the hostage, and a message from the King that he would send his son in the morning.

*Wednesday, August 14.*—Throughout this day fine weather. At 7 A.M. sent John Smith, the interpreter, on board the *Espoir*, at the request of Commander Douglas. At 8 A.M. the interpreter informed me that he proceeded on shore with a message to the King of the village which fired upon the *Sunbeam* and *Rainbow* in 1859. He informed the King if he fired upon another British ship again his town would be burnt down. The King replied that he would not fire upon another ship nor boat again, saying that if he did so the gunboat might come and blow the town down, and he begged to be forgiven for his past conduct, and promised to be peaceable in future. This message was delivered to the Commander of the *Espoir*. The King refused to send his son or come himself on board, but he sent a small goat and a bunch of plantains as a present: sent the dash to the *Espoir*. Received a message from the Commander to prepare for weighing at 8.30 A.M. At 8.55 A.M. proceeded up the river taking the lead with the *Sunbeam*, the *Espoir* following the *Sunbeam*. At 11.30 A.M. anchored immediately below the Warri branch to sound. Proceeded in the boat myself and sounded, to expedite our getting across the flats quickly. Sounded, found a deep water channel. Moored the dingy as a buoy, and proceeded over the flats. The *Espoir's* boat sounding opposite to the deep water channel. The *Espoir* proceeded up about two miles, carrying 3 fathoms, when she proceeded about two lengths ahead found only 10 feet. Proceeded with the *Sunbeam* over the flats and anchored in deep water to wait for the *Espoir*. At 2.50 P.M. passed the Warri branch; very sultry and light breeze. Served out quinine to the people. Thermometer 86° in the shade. Observed a number of natives opposite Adriano village on the sand-bank, with muskets and cutlasses, and jumping about, pointing their muskets towards the ships; but they had the good sense not to fire them. Noticed all the villages which we passed to-day more or less armed, and prepared to defend themselves against an attack from us. At 6.47 P.M. anchored below Obi's farm for the night in 7 fathoms water. At 8 P.M. set the watch, and secured the boats.

*Thursday, August 15.*—Throughout this day fine weather with moderate sea-breeze. At 6 A.M. weighed anchor and proceeded towards Aboh; 7 A.M. hazy; 7.30 cleared up again. Served out quinine to the people at 9 A.M. Anchored to wait for the *Espoir*; 9.20, weighed again in company with the *Espoir*; 11.35 A.M., anchored off the late Aboh factory, sent a boat with a message to invite King Ajeh on board. Commander Douglas and myself proceeded on shore and did not see a vestige of the factory, found several small huts belonging to King Ajeh built near the place where the late factory had been; proceeded on board again at 3.30 P.M. King Ajeh and his retinue arrived on board the *Sunbeam*, his brother Akia proceeded on board the *Espoir*. Opened the interview with Ajeh about the factory; he informed me the water washed it away in the night when he was at the Confluence, and his people took charge of the people at the factory and provided for them; this is King Ajeh's tale. At 3 P.M. despatched the cutter well manned and armed with Mr. Hunter in charge, and Mr. Watts, to Lairdsport, with letters to Mr. Thompson, Mr. Cole, and Mr. Macauley; instructed Mr. Cole and Mr. Macauley to proceed forthwith to Aboh and explain themselves about the destruction of Aboh factory. Dashed King Ajeh and his brother Akia as a matter of policy until the arrival of Mr. Cole from Lairdsport. At 6 P.M. the King and his suite left the ship. At 8 P.M. set the watch and secured the boats. Thermometer 86° in the saloon.

*Friday, August 16.*—Throughout this day fine weather and clear. Served out quinine to the people. At 7 A.M. despatched the gig to invite Tschukuma, the friend of white men, on board the *Sunbeam*; brother to Ajeh and the legitimate King of Aboh. At 9 A.M. Tschukuma arrived alongside with his retinue; proceeded on board the *Espoir* and introduced him to Commander Douglas as the friend to white men. Received from him one letter dated Onitsha, 14th July, 1861, from Mr. Cole stating that King Ajeh with his people premeditated an attack upon the *Sunbeam*, and upon my arrival at Aboh to send an escort for Mr. Cole now situated at Lairdsport. Received from Mr. Thompson one letter dated 14th July, 1861, informing me of his distress and ill-health, but no deaths had taken place since my departure in November, 1859. Received two letters from Dr. Baikie addressed to Tschukuma, Prince of Aboh, notifying his kind and good offices to all my people since my absence in 1859; also requesting me to pay him all respect due to his station, and reward him for his unremitting attention to all my people. Informed Commander Douglas of the circumstances of the case, and gave him the letters addressed to me from Mr. Cole, late agent of Aboh factory, and Mr. Thompson, agent of Lairdsport factory, and the two letters from Dr. Baikie addressed to Tschu-

kama; treated him to a glass of gin, and his people or followers, and showed him all round the ship. I informed Tschukuma that the *Espoir* came here to escort me, and she was a war ship sent by my King to inquire into the case of plundering and the destruction of the late factory at Aboh: he immediately made signs to the effect that that time Mr. Cole go come he go tell all the particulars relative to the factory; I therefore did not press him further, and directed the conversation to another subject. King Ajeh, the usurper to the throne of Aboh, and he are apparently at variance; consequently did not enter upon the Government of Aboh. I invited him on board the *Sunbeam*, the same time informing him that Commander Douglas of the *Espoir* did not come to dash him or any one else, therefore he must not be disappointed at receiving no dash from him; he immediately consented to this. I find King Ajeh is very much reduced in bodily health, and the Surgeon informs me that he is in a rapid consumption; I am much afraid there will be but few to mourn his loss, as he is very unpopular at Aboh. At noon received Tschukuma on board the *Sunbeam* with all due honours, and treated him to a repast, dashed him and his retinue as per general expense-book; received from him one bullock weighing 192 lbs. and a few yams; received a dash from the Queen, one goat and a few yams: he remained on board until sunset, when he left the ship highly pleased. Sent Mr. Kelly, second officer of the *Rainbow*, on shore to shoot the bullock; at 8 P.M. returned with the bullock; divided it with the *Espoir*. The officers of the *Espoir* visited Aboh and were much pleased with the town and people. Prince Tschukuma entertained them at his residence. Received no intelligence from Lairdsport yet. The purser employed purchasing yams, stock, &c., brought by the natives for sale; received a dash from Prince Akia, one goat and a few yams—Ajeh's brother, who plundered the factory, by Mr. Cole's statement, as I am ignorant of the circumstances of the case until Mr. Cole's arrival. It is necessary for me to treat all the nobles of the country with due respect until the arrival of my agents from whom I shall have full particulars. Sent the launch with a strong gang of kroomen to cut firewood to save coals. Commander Douglas dined with me to day; after dinner visited the wooding party on the starboard bank of the river, found the ground thereabouts highly cultivated with yams and Indian corn. At 8 P.M. secured the boats and set the watch; fresh and pleasant breeze from the south-west. Thermometer 86° in the shade, 96° in the sun. Received on board Tom Lyall, Tschukuma's slave, whom I sent from Angiama with letters from me for Dr. Baikie; Dr. Baikie did not receive those letters in consequence of the bearer being driven back from Iddah by the natives, who appeared to be hostile at that period (March 1861), but from what I can gather now the people appear



to be peaceable, but for a certainty I cannot affirm yet. No sickness on board either ship, and the weather is very pleasant, and the water is rising rapidly, and the whole appearance of the river has entirely changed its aspect for the better. The old site of Aboh factory has entirely changed from a plain country to high cliffs; the water has undermined it last year.

*Saturday, August 17.*—Throughout this day fine weather. I find by the tide-gauge the water has fallen 2 inches since our arrival here. Served out quinine to the people; supplied the *Espoir* with sundry provisions, as per ledger. One gang of kroomen employed cutting firewood for the furnaces; Mr. Kelly with the gig and crew on shore at Aboh town bringing off the bullocks which Tschukuma and King Ajeh dashed to me. Received from Tschukuma two bullocks, and one from Ajeh. His Royal Highness King Ajeh visited the ship to-day in state in his barge decorated with flags from stem to stern. After breakfast he brought 300 yams and 7 goats and 10 fowls for sale; purchased them from him, as per general expense-book. He also brought 16 of his wives on board to receive their dash from me; I remonstrated with him about having so many wives, but he replied that he got plenty more on shore, these he brought were his principal wives. I told him, that white men only have one wife, when he assented and replied that was good, but still insisted his wives should have their dash; to get rid of them dashed them one fathom cloth each. Dinner was announced when his Highness introduced himself into the saloon to partake of it; he being extremely polite allowed him the great privilege of sitting at my private table; after dinner proceeded on deck, when His Majesty informed me that he intended to visit the *Espoir* and receive his dash from the Commander; being tired out with him and his retinue, was very glad when he left the ship. I did not introduce the subject respecting the plundering of the factory until the arrival of Mr. Cole; Mr. Hunter, second officer in charge of the launch, despatched for Lairdsport on the 15th instant for Mr. Cole and Mr. Macauley, not arrived yet. Asia, trader of Aboh, visited the ship and dashed me one goat and seven yams; gave him a suitable dash in return. Received a dash from Obe Arissa, Tschukuma's follower and principal confidential; dashed him in return as per general expense-book. At 8 p.m. set the watch and secured the boats. Thermometer 80° in the shade.

*Sunday, August 18.*—Throughout this day fine weather. Served out quinine to the people at 10 a.m. The Rev. Samuel Crowther performed divine service on board the *Espoir*; attended with part of my people. Noon calm and sultry weather. At 5 p.m. Mr. Hunter, in charge of the cutter, returned from Lairdsport with Mr. Cole and Mr. Macauley, and the cooper whom I left at Aboh factory in



November, 1859; also Mr. Dalton, assistant to Dr. Baikie, arrived in the cutter; he has been sent down by orders from Dr. Baikie to procure provisions for his party at the Confluence, and hearing of my arrival here he took a passage down. Questioned Mr. Cole respecting the Aboh factory and the property left under his charge: he commenced a long statement of grievances about King Ajeh, Akia, and his people; finding the statement being so lengthy, I proposed to him to write me a correct statement of all his particulars. Commander Douglas sent to inquire the news; proceeded on board the *Espoir*, and related all particulars. I am glad to state here that our arrival at Aboh has been the means of saving Lairdsport factory from being plundered by the natives. Tuesday, the 20th of this month, being a very large market-day, it was previously arranged and preconcerted by both the natives of Onitsha and Aboh that if no ships came up to that date, the factory was to be seized and plundered, and the people taken prisoners. I learn from Mr. Cole that Dr. Baikie and Mr. Lyall are all well and in pretty good health, but very short of supplies; in short, they are now living upon credit from the inhabitants: prepared a good and substantial repast for Mr. Dalton and Mr. Cole, and left them to themselves for the remainder of the evening. The officers of the *Espoir* after church service visited Aboh town. 8 p.m. set the night watch and secured the boats, &c.

Monday, August 19 — A.M. Fine weather and clear. Served out quinine to the people. At 7 A.M. despatched the gig with Mr. Kelly, second officer of the *Rainbow*, in charge with the interpreter, Smith, to inform King Ajeh, Prince Tschukuma, and Prince Akia that their presence was wanted on board the *Espoir* to inquire into the destruction and plundering of Aboh factory; each of them were invited on board. Mr. Kelly arrived alongside of the *Espoir* with a message from them, stating that they would consent only to meet on the beach opposite the ships. At 2.30 p.m. King Ajeh and Prince Tschukuma and Akia arrived at their place of appointment opposite the ships; upon seeing them on shore opposite the ships, Commander Douglas sent on board the *Sunbeam* for John Smith, the interpreter; sent him on board the *Espoir*, when the Commander sent him in his boat with the gunner to invite His Majesty King Ajeh, Prince Tschukuma, and Prince Akia on board, to inquire into their conduct respecting the late Aboh factory, but their reply to this message was, that they would not come on board, and we must go on shore to them; to this the Commander sent to inform them that he wished them to come off to the ship and hold the investigation; their reply to this message was as the former. Another message was sent to inform them that we would not hold any palaver on shore; to this message King Ajeh replied that he should not come on board, an

would proceed to his town, and off they all went in their canoes to their town, leaving us in a dilemma. Commander Douglas expressed himself to me that he felt himself in a very difficult position what steps to pursue; that if he shelled the town now upon our ascent the people above might band together upon our descent of the river and attack the ship; he thought upon his descent of the river would be the best time to call them to account for their daring and outrageous conduct towards my people and the plundering of the factory. I agreed that upon our descent of the river would be the most judicious course to pursue, but to leave these people without inflicting punishment upon them, would lower the prestige of white men, and embolden them to future acts of aggression upon Europeans stationed in the river, and would have a most prejudicial effect upon the opening up of the river at a future period; in short, my firm belief is, it would not be safe for any European to be left here, or any part of the river again, if these Aboh people are allowed for this grave offence to pass with impunity. Commander Douglas left the *Sunbeam* at 6 P.M. to consider over the matter, when he should inform me in the morning what steps he would pursue. Mr. Cole writing out a statement of the facts of the proceedings of the Aboh people towards him since my absence in 1859; also a statement of the plundering of the factory by Prince Akia and his slaves, with all particulars for the information of Commander Douglas. Noon sultry. P.M. inclined to rain. 8 P.M. set the watch and hoisted the boats up. I find by the gauge-pole to-day the water has fallen one inch in the last 24 hours.

*Tuesday, August 20.*—Throughout the day fine weather. Served out quinine to the people. No visitors to-day, and I am afraid we shall get none, as King Ajeh and Prince Akia begin to feel the full force of their guilt, and their bad conduct to the people left in charge of the Aboh factory. After breakfast proceeded on board the *Espoir* to offer my advice to the Commander respecting King Ajeh, Prince Tschukuma, and Prince Akia. I told him, as Dr. Baikie and Mr. Lyall had been in communication with the Aboh factory, and they seem to know all the occurrences at Aboh factory since my departure in November, 1859, from letters which I have seen from Dr. Baikie, that it was better to settle the palaver upon our descent of the river; to this proposition he at once agreed. Ordered steam for 3 P.M. Noon very sultry; still no visitors from the shore, and very few canoes plying the river. I must confess that the Aboh people's conduct respecting the plundering of the Aboh factory is monstrous, and must be punished if the river is to be opened up; if this affair goes unpunished, white men may bid adieu to the Niger River, for they will not scruple to shed blood next. It becomes my duty to remark for the future benefit of the river that one gun-boat

## GREAT BRITAIN AND WEST COAST OF AFRICA.

is undoubtedly not sufficient to keep the natives in order, nor visit them when necessity calls forth; I question if two would be sufficient: a display of force must be attached to the river until the trade is thoroughly established. If the Government will not grant this force, I would strongly recommend prudent merchants not to embark their capital in the Niger River. At 8 p.m. started for Lairdsport with the *Espoir* in company, taking the lead. At 6.40 p.m. anchored for the night half-way between Nidoni and Green Island; sent the people to supper. At 8 p.m. Prince Tschukuma, the only friend to white men that Aboh town can boast of, arrived on board the *Sunbeam* for the purpose of saluting me, and I suppose the true object of his late visit is to see how we feel upon their re-arrival on board yesterday to settle the palaver about the Aboh factory. Invited him on board to allow him to explain himself why he did not come on board when sent for, being white man's friend; he immediately replied that King Ajeh and Prince Akia would not allow him. Sent a message to Commander Douglas to say Tschukuma was on board the *Sunbeam*; he came on board and questioned Tschukuma and told him that upon the ship's return from the Confluence he hoped that his influence with the Aboh people there would be a settlement of the Aboh factory occurrences; to this he replied that he would do so. If he did not do so Commander Douglas told him that he must tell our Queen, and they would be declared enemies to Great Britain; he replied to this that he go set this palaver, and he said the reason King Ajeh and Prince Akia would not come on board to settle the factory palaver was, they knew they had done wrong and were afraid; a full confession this of their guilt. Treated him and his people to a glass of grog and some bread and beef, shook hands with the old gentleman when he left the ship, apparently very much alarmed that Aboh go lose white man's friendship for ever. Thermometer in the saloon 86°. 8 p.m. set the watch and secured the boats. One of the kroomen fell overboard and was drowned, belonging to the *Espoir*.

*Wednesday, August 21.*—Throughout this day, sultry weather, with light breezes. Served out quinine to the people at 7.30 a.m. After sounding with the boats for a deep-water passage, started for Lairdsport, full speed. Turned the engines astern, when suddenly the ship struck a snag beneath the water, and stopped the engine by the concussion. Anchored to ascertain the damage. Found one of the blades of the propeller broken, 6 inches, as if it had been chipped off; found no other damage. The chief engineer reports that the stern-pipe was getting hot, which it never did before; thinks the shaft has got a slight bend. Filled the compartment with cold water until it worked itself down to its proper bearing. Weighed, and proceeded again in company with the *Espoir*, the

beam leading the way. At 6.45 p.m. anchored about 7 miles below the Oko villages for the night. Thermometer in the saloon 84°. Mr. Dalton, Mr. Cole, one cooper, and Mr. Macauley, on ship's provisions. Supplied the Commander and ward-room mess with fresh mutton.

*Thursday, August 22.*—Throughout this day fine weather. Served out quinine to the people. At 7.30 a.m. weighed, and proceeded towards Lairdsport, the *Espoir* in company, the *Sunbeam* leading the way. Noon, anchored off Lairdsport and fired a salute of 6 guns. Mr. Thompson returned the salute. The *Espoir* also saluted the factory. Moored the ships alongside of the wharf, and commenced landing shooks and hoops. Found Mr. Thompson well, and the factory much improved in buildings and stores, and a mud-wall built round the factory inclosing the stores. Commenced taking stock of goods on hand at the factory. I find 21 puncheons of palm-oil in the oil-store ready for shipment. Making preparations for landing cargo. Informed the natives to bring their palm-oil to the factory for sale. Commander Douglas, with his officers, visited the Mission Station; myself busy at the factory, and preparing to open trade. I informed the King that we intended visiting His Highness tomorrow, for the purpose of saluting His Majesty and settling all differences between my people and his people. 8 p.m., set the watch and secured the boats. Mr. Langley, with his family, left the ship to-day for the Mission Station; provisioned them to this date since their arrival.

*Friday, August 23.*—A.M., fine weather and cloudy, inclined to rain. Served out quinine to the people. Employed throughout this day landing cargo and storing it in the factory. Coopers making up puncheons; carpenters repairing the boats. At 10 a.m. the Commander of the *Espoir*, with an escort of marines, and his officers, arrived on the beach; accompanied them to the King's Palace. After reaching the Palace, the King refused to give the Commander a chair or stool of any description to sit upon. On this refusal the Commander became indignant at the King asking him to sit upon the ground, while he (the King) was sitting upon the throne in great state. The King was told, unless seats were given to the Europeans to sit upon, he should not treat with him, but return on board. The King still persisted in refusing, when the Commander left the place and proceeded on board; accompanied him. p.m., light showers; every appearance of rain. Thermometer, at 6 a.m., 76°; noon, 84°. At 4 p.m. the boat belonging to Lairdstown factory arrived alongside of the *Sunbeam* with letters from Dr. Baikie and Mr. Lyall. From letters received, all at the Confluence are well. Set the tide-pole. No trade commenced to-day. The chair affair with the King will not improve my trade until it blows off. The King is afraid

that the war-ship has come to make war upon him, therefore it will take a day or two to remove this impression.

*Saturday, August 24.*—Throughout this day fine weather. Served out quinine to the people. The officers and crew employed throughout this day breaking out cargo and landing it at the factory, and storing the same. Myself and clerk employed making out the invoice of cargo for Lairdport, and writing out instructions to Mr. Thompson, manager of this factory. I am also very sorry to have to write the following remarks, which is thus: because the King of Onitsha will not violate a very old custom by giving the Commander and white men chairs to sit upon when in his presence, he the (Commander) will not allow me to dash the King and Chiefs, and tells me that, if the King is not very civil, he (the Commander) will stop trade. It is customary to call the King and chief men of this town, upon my arrival, to salute each other, and to receive friendly presents and settle trade matters with them. I purposed doing this yesterday, but was deterred from this by receiving a note from Commander Douglas, requesting me to give no dash to the King until he built another throne, as high as the King's, for the Commander to sit upon; it also intimated to me that he would inform me officially when he should descend the river; and he says he thinks the 20th September he will start for the mouth of the Nun, leaving me no time to trade my goods off, besides putting the Onitsha people in a state of fear and trembling, and stopping my trade by his extravagant ideas. Proceeded on board the *Espoir* in reply to his note, but received no satisfactory answer. Thermometer 76°; noon, 84°.

*Sunday, August 25.*—Throughout this day, fine weather. Served out quinine to the people. At 9.30 A.M. proceeded, with my crew, to the Mission Station to attend divine service at the church by the Rev. S. Crowther. I am very glad to state that the natives of Onitsha were in full attendance, and conducted themselves with great decorum during the service. The Rev. S. Crowther preached from the 17th chapter of the Acts of the Apostles, and the 22nd verse. The chapter was very well selected for the occasion, particularly the seat affair with Commander Douglas and the King, but I am afraid that it is a work of time to show the natives of this place the error of their ways and their superstitious customs. The very fact of the King of this place having to sacrifice a human being when he visits the market-place or walks about the town is monstrous. The refusing to give the Commander of the *Espoir*, or any other white man, myself not excepted, a chair to sit upon when in his presence, is sufficient to show the amount of darkness which prevails in their benighted country, and the necessity of some effort being made by our fellow-countrymen. This is a fine field for zealous

missionaries. It is enough to make one shudder to look around him, and upon every side utter darkness prevailing. Satan has complete dominion over this country. After service, proceeded on board, when, much to my surprise, I found an official letter, dated Sunday, from the *Espoir*, the purport of which was. I must be ready to proceed on my descent of the river by the 20th September, leaving me but about 3 weeks for trading operations. I was astounded at this; however, as the whole of the towns which we have as yet visited are hostile towards us, and I consider the escort of the *Espoir* of as much importance upon my descent as it was upon my ascent, I therefore wrote, stating that I should hold myself ready to proceed at the date fixed by the Commander of the *Espoir*, at the same time informing him that I had very little time to dispose of my cargo, laid in for this market, and I have had it in stock since the 11th August, 1860. The visit to the King, the day after our arrival here, has prevented any trade from flowing in to the factory, as the people will not trade until the King receives the dash from me, and the Commander has actually written to me not to give the King a dash until he (the King) provides him with a chair as high as his (the King's) throne; consequently, this state of affairs is preventing the natives from trading, and making them shy in coming for trade. I hope the Commander will see his error, and ignore the King altogether, as it is as much as his throne is worth to break his ancient customs, more especially as I am going to break up the establishment and withdraw the people. At 4 P.M. Commander Douglas and myself walked up to the Mission Station, and had a long chat about the King and this chair palaver. Thermometer 84°. At 8 P.M. secured the boats and set the watch.

*Monday, August 26.*—First part fine. Served out quinine to the people. The crew and krooboy employed landing cargo at the factory, and storing it. Myself and clerk employed making out the invoice of cargo for Lairdsport, and arranging accounts. At 10 A.M., the Governor of Onitsha, with the Chiefs, assembled in the factory; Commander Douglas and the Rev. Samuel Crowther were present, also myself. The Chiefs wished to come to some understanding about the chair affair with the King and Commander Douglas. They said that the custom of their country was not to allow any person to sit in the presence of their King, and when this law was made no Europeans visited their country, therefore it was not intended for white man; but since the white men have now established themselves in their country they wish to call the people and chiefs into the presence of their King, and abolish the custom of not giving seats to white men. They said it was not fitting for white men to sit on the ground in the presence of their King, and they themselves did not like the custom, and would do their best

to influence His Majesty to break down through this law. They also said that the King had no objections to allow the white man to bring his own seat. To this the Commander objected. If the King sent to borrow seats himself for the occasion, he (the Commander) would have no objection to this; but the King declined this by saying he had no seats himself, and did not understand making seats. Of course it was very plain the King did not intend to yield to the Commander's wishes; therefore the Commander gave up the idea of accomplishing his object in being allowed to sit as high as the King in his presence. I advised the Commander to desist from any further attempts to break one of their superstitious customs, more particularly as time was of very great value to me; and no sign of trade being opened until this seat affair was settled, it was agreed by the Commander to give up the matter, and I was at liberty to talk about trade. I immediately told the Chiefs that I was ready for opening trade with their people, and desired to send for the King's son, and would give the King his dash first. They immediately said, No we must settle the seat affair, as it had caused great excitement amongst the people, and could not speak about trade affairs until they go and tell the King what had been said at this meeting. Being very anxious to proceed to my business, to prepare the ship for starting for the Confluence, gave orders to Mr. Thompson to dash the King and Chief men, and have no more talk concerning the seat with the King. The Commander thought proper to write me on the subject, not to dash the King, and said he would stop trade if the King was not very civil. When I received this note I had an interview with him about my trade, telling him trade was not opened until the King was first dashed. To this he replied, We shall send messengers; and the Rev. S. Crowther was appointed to negotiate with the King about the chair palaver. Made all necessary preparations for starting in the morning, with the *Sunbeam* for the Confluence. Thermometer 82° in the shade.

*Tuesday, August 27.*—Throughout this day fine weather. Served out quinine to the people. All hands wooding ship. At 11 a.m. proceeded on board the *Esper* to take leave of Commander Douglas; he promised to assist Mr. Thompson, if required. Shook hands, and proceeded on board the *Sunbeam*, raised steam, and proceeded full speed for the Confluence. Grounded twice for five minutes; reversed astern, when she floated. At 6.30 p.m. anchored for the night above Walker's Islands, about 4 miles. Found a new shoal at Long Island; also a new channel at Walker's, from 1859, showing the banks shift. I feel very tired to-night, and leave Lairdsport very different from any other time. If time would have permitted me I should have opened trade before I left. I have left



full and complete instructions with Mr. Thompson, so I hope all will turn out for the best. All this hurry and bustle may be entirely summed up in this: that if the Commodore had sent a lighter-drafted ship to escort the *Sunbeam*, it would have given me time to sell my cargo. At 5 P.M. set the watch; thermometer 84° in the saloon.

Two females came on board for protection from slavery, having been kidnapped and sold down the river, and now wishing to return. Sent them to the *Espoir*.

*Wednesday, August 28.*—Throughout this day fine weather. At 6.30 A.M. weighed anchor, and proceeded full speed for the Confluence. Served out quinine to the people. Kroomen employed cutting up firewood, quartermasters heaving the lead, and steering the ship, burning wood and coal. At 7.20 P.M. anchored for the night immediately below Lander's Island. Anchored half-an-hour for breakfast and dinner. To-day thermometer 86° in the saloon. At 8 P.M. set the watch, and secured the boats; banked fires for the night. I must remark that there has been very little rain this season, which has prevented the river from rising so rapidly as it is wont to do. I am afraid the river will not rise this year so high as last. I am informed by Mr. Thompson that there was much rain last year, and very little as yet this season. The river has to rise considerably yet, by the appearance of the sand bank, which I have passed to-day.

*Thursday, August 29.*—Throughout this day fine weather. At 6 A.M. steamed full speed for the Confluence. Served out quinine to the people. Kroomen employed cutting firewood. At 2 P.M. anchored off Iddah, for the purpose of visiting the Attah, or the King. Sent messengers to inform the King of my intended visit. Aboko, the Governor, I find is from home, and as the King cannot be seen by white men without his presence, Aboko's brother visited the ship to inform me that he would send messengers to the King, and he would inform me in the morning if His Majesty would honour me with an interview. Purchased several goats and a quantity of firewood from the natives of this place. Treated Aboko's brother to a glass of rum, and his friends, when they left the ship. Promised to remain until noon to-morrow, and if the King refused to grant me an interview, to start for the Confluence; told the messenger to this effect. Sent a short note to Mr. Thompson to inform him of my arrival here, by a canoe bound to Onitsha. Ordered the chief engineer to draw fires, to clean the tubes, and have steam by noon to-morrow. Painted the *Sunbeam's* name, with date, on the cliffs of Iddah; also a gauge of 8 feet from the water's edge, to mark the rise of the river. At 8 P.M. set the

watch, and secured the boats; Mr. Gray, chief engineer, much better. Thermometer ranging from  $76^{\circ}$  to  $86^{\circ}$  between the hours.

*Friday, August 30.*—A.M., fine weather, but very cold. The thermometer stood  $66^{\circ}$  at 6 A.M. Served out quinine to the people. Found the water has fallen 4 inches by the gauge-pole. 10 A.M., no messenger either from the Aboko or the Attah arrived on board, and being most anxious to reach the Confluence, started for the Confluence. At 11 A.M., William Thorpe, deck passenger from Sierra Leone to the Confluence, departed this life, from jaundice. At 5 P.M. anchored about one mile below Bird Rock, and interred his remains on the port bank of the river. At 5.30 weighed, and proceeded. Anchored for the night at 7 P.M. abreast of the lower part of Maconoche Island. Found the channel above Smart Island completely altered to what it was in 1859; where 4 fathoms is marked on Lieutenant Glover's chart, to-day found only 5 feet and a sand bank hove up. Proceeded towards the starboard shore, and found deep water. Thermometer  $84^{\circ}$ . At 8 P.M. set the night watch, and banked fires with wood; burned wood and coal throughout the day. The sailing has been very grand to-day, and the weather extremely fine; ranges of mountains on both sides of the river; reminds me of sweet home, sailing up the Clyde.

*Saturday, August 31.*—Throughout this day fine weather. At 6 A.M. weighed anchor, and proceeded for the Confluence. Found the rocks which were covered with water in August 1859, not covered to-day, showing the river is still low. At 4.45 anchored opposite Lairdstown factory. Proceeded on shore, and found Mr. Lyall and Dr. Baikie quite well. I am glad to report that the situation of the factory could not be surpassed, and I am much pleased; and the proceedings since my departure in November, 1859, there is a very great amount of credit due to Dr. Baikie for his exertions. It is entirely owing to his influence and interest that this factory is now in existence; and, moreover, through the influence of him with King Massaba, that the people are still in existence. They have been entirely living upon his hospitality, the goods which I left being all expended in 1861. Walked round the premises, and found everything to my greatest satisfaction. To my surprise and delight, Dr. Baikie has built a market-place for the natives to bring their produce for sale. It is much to be regretted that the enterprise is now going to be withdrawn, after so much has been done. At 8 P.M. set the watch, and secured the boats. Thermometer  $106^{\circ}$  in the sun,  $86^{\circ}$  in the shade; at 6 A.M.  $65^{\circ}$ .

*Sunday, September 1*—Throughout this day fine weather. Served out quinine to the people. Hauled the ship alongside of the wharf,

and rigged a stage. The Rev. Samuel Crowther left the ship and proceeded in my gig for the Mission station at Igbegbe, the opposite side of the river. His people also left the ship. Thermometer 86° in the saloon; the weather very dry, the ground much in want of rain, everything seems parched. Visited Dr. Baikie, and spent the greater part of the day in his company. At 8 P.M. set the watch, and secured the boats.

*Monday, September 2.*—Throughout this day fine weather. Served out quinine to the people. Kroomen under the chief officer discharging cargo, and storing it at Lairdstown factory, in charge of Mr. George T. Lyall. Delivered to Dr. Baikie 53 packages of goods; also to the Rev. Samuel Crowther 8 packages of goods; landed them at Igbegbe Town in the launch. Proceeded over in the gig with Mr. Crowther, and sent the launch with bales of goods before us. Arrived about 4 P.M., three-quarters of an hour going and two hours returning. Visited the Mission Station, and I am glad to say that it was much improved since my departure in 1859. Additional buildings have been made, and the premises much extended. Visited the King and presented him with a suitable dash, and had a long talk about trade affairs. Explained to him that time was of very great moment to me, and he must tell his people that I leave on the 12th instant, allowing 10 days only for trade. He brought out a large tusk of ivory, and said he had plenty more. He made inquiries about King Cloth, and promised to send his trading man at the factory in the morning, and open trade. Shook hands with him, and proceeded to the wharf. Left at 5.30 P.M., and arrived at 7.30 P.M. alongside of the ship—a very long pull. Thermometer 86° in the saloon. At 8 P.M. set the watch, and secured the boats.

*Tuesday, September 3.*—Throughout this day fine weather. Served out quinine to the people. Employed variously, discharging cargo and storing it in the factory. Opened trade to-day, but the traders were so high in their demands, found it necessary to hold out. A quantity of Shea butter and ivory came to the market for sale. The natives think, because the ship is limited to time, that they can get what price they ask. Myself and purser making out invoices of cargo. Landed at the factory; delivered all Dr. Baikie's packages. Thermometer at 6 A.M. 80°. I find the weather extremely sultry here, and no rain to cool the atmosphere. The King of Igbegbe sent the confidentials to look at the market, with one tusk of ivory to sell; after being two hours engaged showing my goods, and making an offer for it, failed in purchasing it. This tusk was only sent to try the market. I am only sorry that time is so short for trade, and the hurry of the *Espoir* makes things worse. Engineers repairing the steam funnel; carpenter fitting a new guard-board on the

starboard side of the hull main rigging. At 8 P.M. set the watch, and secured the boats.

*Wednesday, September 4.*—Throughout this day fine weather. Served out quinine to the people. At daylight hauled the ship into the stream. People employed variously under the chief officer. Mr. Kelly and 4 kroomen employed at the factory, starting Shea butter. I found it necessary to open the Shea butter market by giving a measure of salt for a measure of Shea butter, my time here being so limited, and the natives having no idea of the value of time. Supplied Dr. Baikie with sundry goods from the factory. Thermometer  $80^{\circ}$  to  $84^{\circ}$  in the saloon. The weather has been rather cloudy to-day, and has the appearance of rain, which is very much wanted for the soil. The farmers are complaining very much for want of rain here, the season being much behind in consequence. Dr. Baikie has sent messages to all parts of the country, to inform the people of the ship's arrival here for trade. Myself and clerk at work on the invoice of cargo landed; engineers condensing water; painters painting the outside of the ship. At 8 P.M. set the watch, and secured the boats.

*Thursday, September 5.*—Throughout this day pleasant weather, but still no rain. The tide-gauge showed a rise of 8 inches in the river. The crew variously employed under the chief officer; engineers condensing water. Several tusks of ivory were brought for sale to-day, but the price which the traders wanted was more than I could realize in Liverpool. Purchased one tooth at a high price for the object of opening the ivory market. A small quantity of Shea butter was also brought to the factory, purchased with salt. Received a visit from King Massaba's son; showed him all round the ship, and entertained him in the cabin for a short time, when he, with his followers, left the ship much pleased; dashed him, as per general expense book. Visited the King at the war camp, situated near the factory by King Massaba, to protect the trade with the factory. Found the old gentleman a very fine person; dashed him a suitable dash, and received a dash in return of kelon nuts and two large fowls; he promised to visit the ship to-morrow; assented. I find another of King Massaba's sons has arrived to-day from another war camp, situated higher up the river, for the purpose of seeing the ship, never having seen a ship before. Apparently I shall have plenty of visitors during my short stay here. It is very much to be regretted that the ship leaves so soon. About 300 people started up the river for produce, and I fear I shall be off before their arrival. Thermometer ranging from  $80^{\circ}$  to  $84^{\circ}$  in the saloon. At 9 P.M. set the watch, and secured the boats. Gave orders to the chief officer to allow no one out of the ship after 9 o'clock.

*Friday, September 6.*—Throughout this day fine weather. Employed variously. I am sorry to remark very little produce is brought for sale; the natives have gone into the country to collect it. Our non-arrival last year has prevented the natives from collecting produce this year, and the short stay which I am making, on account of the *Espoir*, leaves very little time to purchase it. Thermometer 80° to 84° in the saloon.

*Saturday, September 7.*—Throughout this day fine weather. Served out quinine to the people. The people variously employed, under the chief officer. Purchased several tusks of ivory. Very little Shea butter brought for sale. Thermometer ranging from 80° to 86° in the saloon. At 9 p.m. set the watch, and secured the boats. Kroomen employed splitting firewood for the furnaces.

*Sunday, September 8.*—The captain sick, confined to his cabin.

*Monday, September 9.*—The captain a little better, but still confined to his cabin. Gave orders to Mr. Lyall to supply Dr. Baikie with goods from the factory, and take bills for the amount.

*Tuesday, September 10.*—The captain still sick, and confined to his cabin.

*Wednesday, September 11.*—The captain sick with ague. At about 4 p.m. weighed anchor, and started for Igbegbe, to ship the Rev. S. Crowther and his people. At 6 p.m. anchored by the stern off Igbegbe Town.

*Thursday, September 12.*—At 10 a.m. started down the river. At 4 p.m. anchored off Iddah. Still unwell, and very weak and irritable.

*Friday, September 13.*—At 7.30 a.m. weighed and proceeded towards Onitsha. At 5 p.m. heavy rain and squalls. Anchored for the night two miles above Walker's Island.

*Saturday, September 14.*—At 7.30 a.m. weighed, and proceeded for Lairdsport. At noon arrived off the factory. Steamed into the cove, when the eddy took the starboard bow, and the strong current running down caught the stern, and before the engines were reversed she grounded on the bank. Trimmed ship by the stern, laid the stern anchor out, and turned astern full speed, when she floated. Berthed the ship, and made preparations for shipping oil on board from the factory. Commander Douglas arrived on board, looking rather pale having been sick with fever. He informed me that he visited Oko village with the *Espoir*, to purchase fresh provisions. I find that King Ajeh has prohibited the Oko people from trading with the factory, as well as the Asaba people since my departure. p.m., heavy rain, the river rising rapidly.

*Sunday, September 15.*—Fine weather at 10 a.m. The Rev. S. Crowther performed divine service to the ship's company. I am glad to say that I am much better to-day, but still very weak.

*Monday, September 16.*—Fine weather and very sultry. Ther-

monometer 80° in the saloon. At 6 P.M. heavy lightening, and every appearance of heavy rain. Employed throughout this day shipping palm-oil, and purchasing it from the natives. A small market was held to-day at the landing-place. A number of Aboh canoes arrived with oil for sale; bought  $4\frac{1}{2}$  puncheons. Several traders from Aboh promised to return in 3 days with palm oil for sale. Dined with Commander Douglas; afterwards visited the Mission Station in the cool of the evening. Paid for the oil at the rate of one piece of Madras per one half barrel of oil (powder half barrel). Received 21 puncheons of oil on board. I am glad to note I feel much better this evening.

*Tuesday, September 17.*—A.M. cloudy, with rain. At 8 A.M. clear fine weather. At 10 A.M. Commander Douglas, the Rev. S. Crowther, and myself, visited Ibousi village, a distance of 6 miles from the ship. Spent the day walking round the town; was much pleased with the people and the country. Visited the Governor of the town, who was glad to see us; presented him with a suitable dash, and received a goat in return. The country here and the scenery is beautiful, and the people very industrious, and a portion of the land is cultivated. Passed large fields of yams on our way to the town. I am sorry to remark that the greater portion of the population of both sexes make use of no clothes to cover their nakedness, and seem to think they have no right to wear clothes. There is a fine field for Manchester cloth here, when the people are taught to dress their bodies with clothes. Chief officer and kroomen employed receiving palm-oil on board from the factory. Very little oil was brought to the factory for sale to-day by the natives.

*Wednesday, September 18.*—First part, fine weather; latter part, cloudy with rain. Employed shipping palm-oil and iron-hoops, &c., from the factory. Very little oil brought to the factory for sale. Received from the *Espoir* 5 tons of fuel. Visited Oko village this afternoon to invite the people to open trade with the factory, but they declined to come to the factory, being afraid to come; these people are leagued with the Aboh people, and King Ajeh has influenced them to stop trade with us. Saw a number of Aboh people in the town, also King Ajeh's son, who informed us that Ajeh and his brother Akia were both secreted in the town of Oko, being afraid, no doubt, of the people delivering him to us on our descent; they are evidently afraid of the *Espoir's* warlike appearance, never having seen a war-ship before in the river so long. Commander Douglas informed me he would start for Aboh on the morning of the 21st instant, making preparations to that end. I am very sorry that trade here is so dull. It is just what I expected; the people have got to hear the factory is to be abandoned, and each party thinks it because they have not treated us properly that we are

leaving the river; they are all panic-struck, and do not understand our movements, which all tends to stop trade. Time is no object to these people, and it is a great matter to us: and to tell these people to collect their oil quickly, and bring it to the factory for sale, as the ships must go away, carries a degree of suspicion with it at this critical time, that I find it is much better to let things take their course. I must remark here that a few days before our arrival, in August, it was premeditated by the Aboh and Onitsha people to attack this factory and plunder it, similar to the Aboh factory; fortunately our timely arrival prevented this outrage from being carried into execution. The Chiefs of Onitsha, I am informed, have called a meeting to-day for the purpose of inquiring into the cause of our abandoning Onitsha; they themselves think it is because they have done us wrong, and fear has come over them that we are leaving this place on their account; they cannot understand that the death of Mr. Laird is the cause. Thermometer 84°.

*Thursday, September 19.*—Fine weather; cloudy in the evening, and inclined to be wet. Purchased 4 puncheons of palm-oil. Employed shipping shooks, and making preparations for winding up the affairs of the factory. Sent a message to the Chiefs of Onitsha to meet the Commander of the *Espoir* in the morning at the factory, for the purpose of informing them of the reasons for breaking up the factory. Thermometer 84°.

*Friday, September 20.*—Fine weather the first part; latter part cloudy, with heavy gusts of wind. Throughout this day employed taking stock of the goods on shore, and shipping them on board. Sold the house furniture to the Rev. S. Crowther, for the Onitsha Mission Station. At 10 A.M. Commander Douglas, myself, and the Rev. S. Crowther, and the Chiefs of Onitsha, assembled in the factory for the purpose of informing them of our reasons for breaking up the factory; arranged with the Chiefs to take care of the factory; and no doubt some other white man would come and again open trade. They expressed their sorrow at our leaving them, and expressed a wish to allow some person to remain at the factory, as they were afraid that the Aboh people would come, after our departure, and destroy the factory, and that they were stronger than the Onitsha people; however, they faithfully promised to protect it to the best of their power. At 6.30 P.M. finished all that was of any value about the factory. Thermometer ranging from 84° to 90° in the saloon. Received all the people from the factory on board the *Sunbeam*, with the factory people and passengers and crew together, number about 98 persons on board the *Sunbeam*; sent a few on board the *Rainbow* to sleep, being crowded on board the *Sunbeam*. Made all preparations for starting in the morning for Aboh.



*Saturday, September 21.*—First part, cloudy weather. At 7 A.M. unmoored ship, and steamed into the stream. At 8 A.M. weighed, in company with the *Espoir*, for Aboh; at 2 P.M. anchored off Aboh Creek; P.M. heavy squall with rain. Commander Douglas sent a boat with my interpreter to the town to call Prince Tschukuma. At 6 P.M. the boat returned with Tom Lyall, who informed us Tschukuma would visit the ship in the morning. Made arrangements to purchase a few bullocks. Thermometer 80° in the saloon. At 8 P.M. set the watch; 4 P.M. loaded small and large guns.

*Sunday, September 22*—A.M. cloudy weather; P.M. cloudy, with rain. At 10 A.M. the Rev. S. Crowther performed divine service on board the *Sunbeam* to the people. P.M. Commander Douglas sent his gig to the town to bring off Prince Tschukuma, but he refused to come on board, alleging he was too unwell to visit the ship; he also informed us that King Ajeh and Akia were at Oko village, confirming my statement to Commander Douglas when at Onitsha. At 4 P.M. sent the launch on shore to get a few bullocks for the *Espoir*; 7 P.M. the boat returned unsuccessful. Thermometer 80°.

*Monday, September 23.*—First part, fine weather. Commander Douglas sent his cutter on shore at 8 A.M. with Mr. Southwick, the Master's Assistant, in charge to call Tschukuma on board to inquire into the plundering of Aboh factory. At 9 A.M. the boat returned, when Mr. Southwick stated that he was seized by the natives, when the boat's crew released him, receiving several cuts on the arm with cutlasses before they made their escape; the boat was chased by them down the creek. At 9.30 A.M. proceeded on board the *Espoir* to know Commander Douglas's intention of starting; he informed me he could not effectually destroy Aboh, and decided upon leaving immediately for the mouth of the Nun. When starting from Aboh to-day, in turning the ship's head down the river, she ran into the bush, and carried away the jibboom before her way was stopped; the engines were reversed before she ran into the bush, but the eddy caught her bow, and prevented her from swinging, and stopped her way. At 5 P.M. passed Kpetema villages; ran over a snag, which shook the ship very much; sounded the pumps, but found she made no water. I am sorry to report that the burning of Kpetema villages, on our ascent, has not had much effect upon them, for we had no sooner passed the village when they opened a brisk fire of 7 guns. At 7 P.M. anchored off Ekole village, nearly opposite the Brass Creek, above Tuesday Island.

*Tuesday, September 24.*—Throughout this day, cloudy weather with rain. At 7 A.M. proceeded for Angiana in company with the *Espoir*. At 9.30 A.M. anchored off Angiana; commenced immediately to break up the factory, and shipping the property; then received the July mails from Mr. Morris, forwarded by Mr. Hattersley

them, as per general expense book. Impressed upon them to send their men for oil, and that I had 50 tons of salt at Bonny to be sold here; they seemed pleased. The Rev. S. Crowther visited Akassa and his new Mission Station; he informed me the King had been very kind to his people during our absence up the river.

*Friday, September 27.*—Throughout this day, landing cargo, and preparing the ship to cross the bar. Myself and clerks employed making out the people's accounts, whom I send home by this mail-steamer *Ethiops*. *Espoir* preparing to leave for Lagos, and delivered the *Rainbow* up; moored her in-shore of the *Sunbeam*, and sent one gang of kroomen to clear and look after her. Engineers condensing water.

*Saturday, September 28.*—Throughout this day, fine weather. Employed as yesterday. The *Espoir* left for Lagos. At 9 A.M. crossed the bar, and anchored outside, when the *Bloodhound* bore in sight, and anchored also outside the Nun Bar.

*Sunday, September 29.*—Throughout this day, fine weather. At 10.30 A.M. the Rev. S. Crowther performed divine service to the people. At 11 A.M. Her Majesty's steamer *Bloodhound* crossed the bar, and anchored off the factory. The *Espoir* left for Lagos. The *Bloodhound* has brought the Rev. S. C. Taylor and his party from Bonny, and provisions for the *Espoir*; the Commander had orders to proceed up the river until he met the *Espoir*, but he has unfortunately been too late in his movements. Mr. Taylor and his party sent on board the *Bessy* until further arrangements are made.

*Monday, September 30.*—Throughout this day, cloudy, damp, disagreeable weather, with rain. Employed variously. The *Bloodhound* did not sail to-day, in consequence of the bar being too rough, and thick weather. Myself and clerk making out men's accounts, and preparing despatches for England. Thermometer 80° in the saloon. P.M. constant rain.

*Tuesday, October 1.*—First part, cloudy with rain. At 11 A.M. Her Majesty's ship *Bloodhound* left for Lagos. Mr. Dalton and his servants left the *Sunbeam*, and joined the *Bloodhound*. P.M. fine weather. Myself and clerk employed making out men's accounts, to send home by this mail. The chief officer and crew employed fitting a new jibboom and maintopsail-yard, and preparing the ship to proceed to Bonny. Mr. Kelly and one gang of kroomen employed discharging missionaries' goods on board the *Rainbow*, and preparing the *Bessy* to tow to New Calabar. The factory agents making up their books and balance-sheets. Thermometer 82° in the saloon.

*Wednesday, October 2.*—First part, fine; latter part, cloudy with rain. Employed variously. Moored the *Rainbow*, and delivered her up to the Missionaries to sleep and live on board until their station is built at Akassa. Paying off kroomen, and preparing the ship to cross the bar. Thermometer 80° in the saloon.

*Thursday, October 3.*—Throughout, damp, rainy weather. Employed ballasting the *Bessy*, and preparing the ship to cross the bar. Paid off the Sierra Leone and Accra men to-day by bill of exchange drawn upon Messrs. Laird, Fletcher, and Co., and paying the wages of the deceased kroomen also. P.M. very wet, disagreeable weather. Thermometer 80° in the saloon.

J. B. WALKER.

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*(Inclosure 2.)—Statement by Mr. Cole respecting the Destruction of the Aboh Factory.*

THE following is a correct statement of occurrences at the Aboh factory since my appointment as manager and agent by Captain J. B. Walker on November 10, 1859, up to the destruction of the said factory on October 23, 1860, and my subsequent captivity and ransom :

On February 3, 1860, my factory was broken into, and some 20*l.* worth of cloth, tobacco, powder, &c., was stolen. I, in company with Macauley, succeeded in taking one man, who certified to the effect that he, in company with several of Ajie's slaves, had committed the robbery ; he was then put in irons, and I sent to town to call together the Chiefs thereof: they, in reply, requested my presence in the town, with that of my prisoner, for the purpose of having an investigation. Their request I replied to, and then I was advised to place my complaints before Ajie. I did so, but received no consideration from him. I then appealed to Tschukuma and Akia for protection; and by them I was told that they had never been treated kindly by the white people; and moreover, the factory and myself having been left in Ajie's hands, they did not see why they should assist me; but after some consideration, Tschukuma asked me what I required: my reply was protection. Akia and he then expressed a desire to remove me and my property to the other side of the river, where they would erect a dwelling-house for me, for they consider that my life would ever be in danger as long as I remained so totally unprovided for; their kindness I refused, but stated my willingness to place myself in their hands, provided they would furnish me with two men, such as watchmen. My request was granted, and I returned to the factory after a palaver of some 7½ hours' duration, in the interval of which my factory was entered by 10 of Ajie's slaves, who thrashed my cooper, and expressed a determination to burn the factory down. This was also related to Ajie, Akia, and Tschukuma, but it received no check on the part of the former, for after I had lodged my charge in the presence of his slaves, he merely told them to steal no more from me; thus passed my first palaver with Ajie.

On the 18th day of this same month, Ajie came to purchase slaves upon my premises, and to pay for them in salt, the said salt being then in some puncheons belonging to me, I having allowed him the use of them, thinking that by so doing I might secure his friendship. Not wishing to meet Ajie after his rascally treatment towards myself, I walked into my house and closed my door, leaving Macauley outside to keep a good look-out, for his visits always end in robbery, after a deal of fuss and bother between himself and his slave-sellers. Ajie sent Macauley to ask me whether I would allow him to breakfast in my house : I replied, No, stating that as he had treated me on every occasion with the greatest disrespect, I could not think of having my house filled and pilfered by him or any of his slaves. In answer to this, he immediately burst open the door and rushed in upon me, and seized me by the throat ; and it is owing to Macauley's timely interference that I was unhanded. Being foiled, he called his people around him, and made them kiss his largest toe, and likewise swear to kill me ; they did so, and the upshot of the oath was, Ajie setting some of his people to surround my factory, the purpose of which was to keep me from taking food that day. Upon seeing me at my bedroom window he, that is, Ajie, made a second attempt to seize me, but he was again deterred, and in the course of some two or 3 hours he had paid away his salt, for which he received several slaves ; upon this I requested Ajie to remove a puncheon of salt which had been left in my possession by Mr. Lyall, in security for some goods that had been advanced to Ajie by him. Ajie consented to do so ; I then took him into the store, and handed over the salt to him, but upon seeing it, he rose up and uttered a most barbaric scream, he swore he would not receive the salt, asserting that some of it had been stolen, which was, indeed, a fact, and I told him so (for his slaves, on February 3, had also stolen the salt), and of course he would have to suffer the loss. Upon hearing this, he gave a peremptory order to his slaves to remove a puncheon of oil belonging to me ; I dared him to do so, and after a most vexatious palaver, he removed the salt, which done, he again called upon his people to put me in irons, but this they did not venture to do, but a second oath was taken, to the effect that should I be found in the town of Aboh, they would seize upon and iron me ; he then took his departure, after a stay of 12 hours, during which time I was not permitted to eat, for his people had taken up a position so as to intercept any of my people. Thus passed my second palaver with this individual.

*March 23.*—This morning several of Ajie's slaves entered my yard for the purpose (so they stated) of killing me ; but displaying a little stratagem in my movements, they retired.

*April 18.*—My store was entered, and some few articles were

from me to Dr. Baikie, thanking him for his kindness in sending a letter to Ajie, and, moreover, to give him some slight idea of my past career at Aboh, and to request as to my future conduct.

*September 1.*—Tschukuma has been living at the factory for some days past, and he continues to assert that a further residence at Aboh will be fraught with danger, especially to myself; and moreover, as the ship has not arrived, Ajie, will, if possible, seize upon the property.

*September 9.*—My cooper, Blenkinson, came back from the Confluence, bringing down advices from Messrs. Baikie and Lyall, to the effect that the Aboh factory had better be abandoned, the goods secured and given into the care of Tschukuma, who for his proverbial kindness towards the whites in general, has been titled by Dr. Baikie, "the white man's friend;" furthermore, I was advised to remove myself and people to Onitsha, where, by the concentration of our people, we might succeed in keeping up the Lairdsport factory, until such time that we should be relieved. In consideration of my instructions, I took stock, made up my books, and secured the property; a rumour having got abroad to the effect that we were quitting the river for the purpose of retreating overland. Tschukuma compelled me to leave my cooper with himself in charge of my factory, and as a security for my cooper's safety he gave me his only child. I took the child, and on the 16th day of September we left for Onitsha, where I stayed for a short period, very sickly indeed. On the 21st of October, Tom came up from Aboh with a message from Tschukuma, to the effect that the river was inundating the factory. The next morning by break of day, I left for Aboh, attended by two kroomen, the same who had refused to return to the Confluence with Mr. Lyall. By nightfall I was before the factory, and very much to my surprise, I found my oil store in ruins, and the store part of the factory fallen, caused also, I believed, by the water. My next effort was to examine the state of affairs, and finding that the goods, &c., had not suffered very much, I sought Tschukuma's house, and there slept for the night. The next morning Tschukuma, myself, and our people combined, set about removing the property; as we were doing so, Akia came down from Oko, attended by a numerous train, a good-sized canoe was loaded and sent to the town. We next set to removing a bogshead of tobacco; but in doing so, the house flooring gave way, and the puncheon rolled into the stream, which was running, at that time, some 9 knots an hour: Tschukuma, myself, and slaves in our wake, succeeded in checking its career some distance below the factory. In the excitement of the moment, I, with my people and several of Tschukuma's, proceeded to the town for the purpose of warehousing and sun-drying the property

arrived at Tschukuma's house. I met Akia there, and by him I was very cordially received, nor did his countenance display anything unusual; after our salutations were concluded, Akia rose to depart, saying that he would send us some palm wine for our people. Little did I know that he was then bent upon destroying the factory, but shortly it was evidenced that he had his canoes and people nicely secreted in the bush, and from their hiding-place no doubt but our movements were watched. About half-an-hour after our greeting, I received a message to the effect that Akia had fallen upon the factory and seized upon the remaining property. My books were also taken, and all, or the greater portion, of the fixtures were smashed to atoms: I believe the loss will be some 1,208*l.* 9*s.* 10½*d.*, or thereabouts. The following is a memorandum of the articles:—

	£	s.	d.
Goods, stores, and fixtures .. ..	808	9	10½
Value of palm oil (11 puncheons) ..	400	0	0
Fixtures, &c. .. ..	500	0	0
	<hr/>		
	1,208	9	10½

Upon receiving the before-stated message, I sent my cooper in advance of me, to see whether the report was correct or not; upon arriving in sight of the factory, he was observed by Akia's slaves, who were posted as sentinels, and who all rose up and pointed their arrows at him; but he sung out lustily, and Akia asked him for me, but finding I was not there, he, Akia, said it was well that I was not, for he had sworn to kill me; my cooper then returned, and met me on the way, and told me that I must surely fall if I attempted to face Akia; the natives, themselves, deterred me, and I was forced to remain quiet, for to attempt to recover the property would have been sheer recklessness, and not valour. The same night he sent to demand my head from Tschukuma, but he received such a reply that he remained quiet.

The next day I sent to ask Akia for his reason for destroying my factory and property: his reply was that Ajie was his brother, and he alone built the factory, and for so doing he had never been paid, and as the ship had been taken by the Orne people, he would let the white people know that he was as powerful, if not more so, than they are. Towards sunset Akia sent to Tschukuma for my body, either animate or dead; for he, Akia, was determined to send me as a messenger to his father, and, moreover, my cranium would be serviceable to him as a drinking cup. Tschukuma, in reply, said that should Akia require me, he must bring me over his dead body. Akia upon hearing this, posted his people, and told them to shoot me, and for that reason, I was obliged to live under cover for some

4 days; at the expiration of which, I sent to Akia for permission to leave Aboh, but he replied that I should never do so, and furthermore he would limit my walks to some 50 yards, and if I exceeded them, my life should be taken. Some 10 to 15 days afterwards, Macauley came down from the Confluence in company with the Atta's messengers, who came down at the instance of Dr. Baikie to ameliorate my condition, if practicable. Upon their arrival, several of Akia's slaves boarded the canoe, and stole several articles therefrom, amongst which was a box of apparel belonging to Macauley. The messengers had seen Ajie at Oko, and he most emphatically disowned the conduct of Akia, and, moreover, he cursed that excellent old man, Tschukuma, stating that he was the cause of the factory's destruction.

The Atta's messengers then went over to Akia and demanded my release, but they were asked how they intended to take me, for over the water or through the air I should not go as long as he, Akia, was in being. Upon this the Atta's messengers grew very timid and refused to stay at Aboh any longer. The next day they left, and I, Macauley, my cooper, and the two krooboya, were thrown into captivity. My people had the option of leaving me, but they would not submit to my detention (which, most assuredly, would have resulted in my death if they had left me). Day after day we were kept so, and day after day Ajie was expected to arrive at Aboh. A few days hence he arrived, and he sent for me and demanded the property that was in Tschukuma's hands, to be given up to him. After a deal of senseless palaverings, each and every one tending to my death if I refused to do so; presently I agreed, and the goods were brought forth, and publicly exhibited to the populace. Upon seeing them Ajie and Akia said that some of the goods had been kept back, and unless I produced them, they would put me in irons. Their reason for saying some of the goods had been kept back was this: when the late Thomas Fairweather came to Aboh, he agreed to pay Ajie some 20 puncheons in cloth, guns, and cowries, for erecting a factory; such was done, and the remuneration remains unpaid, and, moreover, when the said Fairweather came, he brought with him an extensive assortment of trade goods, the greater portion of which they thought I possessed. From hence sprang the notion that I had plenty on hand worthy of their attacking me to obtain, and now finding they had been sold long ago by my predecessor, Mr. Lyall, it would be to their interest to slay me. Thus was I forced to submit to the caprices of such barbarians; in fact, Ajie even went so far as to seize my krooboy's drum, because he occasionally played to console himself.

Ajie seeing into what a scrape Akia had fallen into, does not seem to uphold him, fearful of the consequences that would follow;



therefore it was that by dint of hard persuasion, and the granting of his demand for 20 pieces of cloth, he allowed me to depart peaceably in one of his trading canoes. Upon leaving he dashed me a goat and 6 yams as provisions. At the end of 5 days I reached Lairdsport, from where I despatched Macauley to the Confluence, and my boy Tom to meet the ship, for I had received some intelligence that 5 vessels were then in the Delta. After so doing, I was prostrated by sickness, and for 4 successive months I was unable so remove from my couch. I have but little more to say, and that is, unless these people (by which I mean the natives of Aboh) are taught to know their position, it would be folly to attempt the establishment of trade, or anything else of moment, in this vicinity.

I am, &c.

WILLIAM COLE.

P.S.—I may as well tell you that Ajie killed a man, and set the body in front of my factory as a specimen of his brutality, and immediately afterwards he sent to ask me what I thought of his power.

W. C.

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*No. 97.—Commodore Edmonstone to the Secretary to the Admiralty.*

SIR,

Arrogant, *Prince's Island*, November 2, 1861.

I HAVE the honour to transmit, for the information of my Lords Commissioners of the Admiralty, a copy of my letter of proceedings to Rear-Admiral Sir Baldwin Walker, K.C.B., dated this day.

I have, &c.

*The Secretary to the Admiralty.*

W. EDMONSTONE.

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*(Inclosure 1.)—Commodore Edmonstone to Rear-Admiral Sir B. Walker.*

*(Extract.)* Arrogant, *Prince's Island*, November 2, 1861.

REPORTS having reached me at Mayumba, on the south coast, of disturbances being anticipated at the Bonny, consequent on the return of King Pepple; also of an outrage committed in the Benin, with urgent applications for assistance from both places, I started immediately for the Bights in Her Majesty's ship under my command, taking the *Philomel* in company, to visit the rivers.

At Fernando Po I had the satisfaction of meeting Captain Burton, Her Majesty's Consul, who informed me that, in the Old Calabar, a rising of the slaves against their masters was expected; and that the outstanding debts—the result of the trust system which prevailed for so many years in that river—especially to the house of Stuart and Douglas, were not yet paid, but that the native traders had promised payment, and it is expected that the palm oil trade will likely be affected by the falling of the price in England;

but, generally, matters were as quiet as usual. The *Bloodhound* visited the Calabar on the 23rd of September last.

Having coaled, I proceeded on at once to Lagos, and the *Philomel* to visit the first-named rivers. The arrival and presence off Lagos, so lately become a British dependency, I found very opportune, although there can be no doubt that the place, as before reported, was ceded to us peaceably and without any actual compulsion; still some designing people had been inducing the King to believe that he was threatened and forced to sign the Treaty, which was not the case.

I had a long interview with Docemo, who came on board the *Prometheus* with his Chiefs to call upon me, when I took occasion to point out as clearly and concisely as possible how much his own condition, and that of the people of Lagos, will be benefited by living under the protection of British laws, &c.; that if he could not assist us he must not interfere with us carrying out our routine of government, and that I should of course support the Queen's authority by every means in my power, peaceably if possible, but firmly. Although a dull and stupid man he appeared to understand his position after my explanation, and I do not doubt that matters will go on quietly.

The question of Slave Trade especially must be handled most delicately and judiciously, and ought to be the substance of much deliberation.

In the meantime I am happy to say the King of Porto Novo, Kosoko, and other influential tribes in the neighbourhood, are now our firm friends; but between the Alake of Abbeokuta and Acting Governor McCoskry, a short but disagreeable correspondence has lately taken place, in consequence of the latter having endeavoured to mediate between the two tribes in the interior, and to stop the ruinous and endless war that was going on between them, there being a great commercial stake at issue, and it being very desirable that matters between us and the Abbeokutans should be put on a more satisfactory footing.

I have requested Captain Burton, who was on the spot at the time in company with Commander Bedingfeld (both volunteers), to proceed to Abbeokuta for the purpose above-mentioned.

It may not be out of place here to state that the latter officer informs me that a very intelligent and influential Chief, named Tappa, and living near Tappa, not very far from Lagos, and holding a large farm, is desirous of introducing and growing cotton, provided he could get any person from the Association to instruct him as to the mode of doing so.

The *Prometheus* remains inside the bar; her bottom is in a very defective state. The particulars I have communicated in a separate

letter; but she must remain there until the *Handy* and a substantial force is sent out from England, and the place can be considered in a state of security.

I have now to inform you that the *Philomel* joined me at Lagos on the 19th ultimo, from the rivers, bringing the pleasing intelligence that the affairs in the Bonny have been most satisfactorily and properly arranged. King Pepple had been reinstated without difficulty, and a civil war had, in all probability, been avoided by the presence of the *Philomel* in that river.

I inclose a letter from the Chairman of the Court of Equity in that river, explaining the state of affairs at the present moment in the Bonny.

The outrage in the Benin river alluded to in the former part of this letter occurred some months ago, and had been very much exaggerated. The natives of that river are amongst the most lawless in this country. Similar outrages on former occasions have been committed, but the entrance of the river being very shallow it is difficult to get at them; under these circumstances I think it would be better not to adopt any violent measures at present, especially as it is supposed that our taking possession of Lagos may have a good effect in the Benin; but I hope as the squadron in the Bights has been increased, to have these rivers visited more frequently than hitherto.

Before leaving the Bonny the *Philomel*, by my orders, replaced the buoys at the mouth of the river.

I purpose leaving this island for St. Paul's de Loanda to-day, and should nothing detain me, will be at St. Helena about the end of the month, proceeding from thence to Ascension and the north coast.

I am happy in being able to report that the squadron is generally very healthy, and the *Arrogant* particularly so.

Rear-Admiral Sir B. Walker.

W. EDMONSTONE.

(Inclosure 2.)—Commander Bedingfeld to Acting Governor McCoskry.  
SIR, Prometheus, Lagos, October 2, 1861.

IN consequence of your note of the 17th ultimo, and the conversation we had upon the subject of Eginie market, I started in the *Brune* on Wednesday last, but found she could not get through the narrow channel near Palaver Island, in consequence of the shoalness of the water this year. I accordingly proceeded on from that place in my boat to Epé in the first instance, remaining two days afterwards, visiting the market on my return.

I am happy to be able to inform you that I was received with the greatest consideration by Kosoko and his Caboceers, who begged me to have no apprehension whatever about their people

at the market, as they wished to be on most friendly terms with the English, and would do nothing likely to offend them. They were all much delighted to hear the news confirmed that we had permanently occupied Lagos, and begged me to forward to the Government their desire to be allowed to trade at Lagos when things were more settled, and assured me they would strictly abide by English law, and give no cause of offence to the Lagos people. I found Epé much improved and extensively cultivated, the Cabooceer Tappa having one farm of nearly 3 miles in extent. This intelligent, influential Cabooceer has made an attempt at cotton, but failed, in consequence of a want of knowledge of its cultivation; he now promises that if we would send him a man who understands a plantation, that any amount of labour requested should be forthcoming, as he would see after the people himself. Knowing the character of Tappa, his fondness for farming, and his immense influence over his people, together with an amount of energy seldom found in black men, I beg to call your especial attention to this, as I believe such an opportunity for a really good start for the cultivation of cotton on this coast has never been offered. The soil I should imagine to be admirably adapted, for the small quantity of cotton in some of the gardens was growing most luxuriantly. Tappa also tried an English potato somebody gave him a short time since, and got 5 good large potatoes from it. I was detained two days at Epé, as the first was entirely given up to rejoicing at my arrival, and we would not get over our palaver until Saturday; everybody seemed determined to show us as much honour as possible.

I was requested by the Sherrief Allie to intercede with Kosoko to allow a woman (said to be Sierra Leone) to leave for Lagos, with her two children, who had been detained. It seemed that the Sherrief has been in the habit of taking people up to Lagos and never bringing them back, so Kosoko determined to put a stop to it; but at my request he at once gave her up, declaring, however, she was handed over to me and not to the Sherrief. I promised to have her and her children registered as soon as I got to Lagos. Tappa at once gave orders to his people to take them up to the *Brune*, together with a handsome present in the way of one bullock, sheep, and pigs.

I left Epé on the morning of the 29th, calling at Eginie Market. The King of Jaboo had ordered two houses to be built for Mr. Turner. The last market passed off quietly, the only disturbance being caused by a Lagos man—a dispute about some salt, which was soon settled.

I have, &c.

*Acting Governor McCoskry.*

N. B. BEDINGFELD.

(Inclosure 3.)—*The Alake and Chiefs of Abbeokuta to Acting Governor McCoskry.*

*Aké, September 30, 1861.*

THE Alake and Chiefs send their respects to you and wish you health. The Alake and Chiefs thankfully acknowledge the receipt of yours, dated Lagos, the 24th instant, in which you expressed your wish to come up, with the intention of effecting peace between the contending parties.

In returning a reply to your letter, the Alake and Chiefs beg you most earnestly not to exert yourself at all in this case, in which you have but limited views, so much as to take any steps towards it. You will do well to postpone your intention.

The Alake and Chiefs would request you to learn from any unprejudicial, impartial, and true people, which of the two different tribes, viz., the Egbas and Ibadans, that mostly delight in kidnapping, plundering, and making aggressive war, instead of pursuing lawful occupations. The Egbas have good reason to engage in this present war. You may, perhaps, have heard that the Jebus, the latter of whom have just arrived, have been out already against the Ibadans, and in some few months more the Ijesas and Ifis will make their appearance.

Why should these different tribes co-operate in fight with the Ibadans had there not been reason? Who destroyed all the Ijesas, and other neighbouring towns? Were it not the Ibadans who made yearly aggressive war? The Yorubas of Lagos made it their chief business now to bring before you false representations, and you readily believed them, without endeavouring to dive into the bottom of them in order to comprehend the truth.

The Alake and Chiefs desire you not to interfere at all in their war with Ibadan, inasmuch as you are totally ignorant of all their proceedings. When the time arrives that they should make peace one with another, it will be done. You should know that the present war had been preceded by others which were afterwards settled between each other.

In conclusion, the Alake and Chiefs desire you to keep aloof from having any more words to say respecting the war. The Ibadans have taken possession of the town of the Egbas.

(Inclosure 4.)—*Commander Bedingfeld to the Alake and Chiefs of Abbeokuta.*

*Prometheus, Lagos, October 3, 1861.*

ON the 24th ultimo a most polite letter was written by the Acting Governor, William McCoskry, Esq., to the Alake, offering, in most unoffensive terms and in conjunction with the Undersigned,

to mediate between the contending parties in the present war, with a view to try if possible to effect peace, so desirable to all right-thinking people and to the prosperity of all concerned. The reply to this letter is one purporting to come from the Alake and Chiefs most grossly insulting Her Majesty's Representative and myself; although in the answer my name is not mentioned, in the letter it was.

After the first astonishment at this unprovoked measure it seems to me that surely the Alake and Chiefs cannot be aware of the purport of their letter.

If they are so I would ask them a question or two, and request they will answer me:

Has England done anything for Abbeokuta to entitle her Representative to offer his advice without being insulted?

Is Abbeokuta so strong that she will never more require the assistance of England, and that she can safely defy her powers?

Does she consider it safe to pull the whiskers of a sleeping lion?

I feel bound to call upon the Alake and Chiefs for an early explanation of their conduct before I take more active measures to bring them to reason, and have, &c.

N. B. BEDINGFELD.

P.S. I inclose copy of the letter that has been forwarded to me, and trust it will be properly interpreted by the Alake and Chiefs, and that a polite answer should be sent to the proposal of the Acting Governor and myself.

N. B. B.

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(Inclosure 5.)—*The Alake and Chiefs of Abbeokuta to Commander Bedingfeld.*

*Aki, October 11, 1861.*

THE Alake and Chiefs received yours dated the 3rd instant, with the inclosed copy.

The Alake and Chiefs have in the first place to affirm that their letter to W. McCoskry, Esq., the Acting Governor, which is considered to be one most grossly insulting Her Majesty's Representative, was written by their order to W. McCoskry, Esq., solely confined to him, exclusive to any one besides, and not in conjunction with Commissioner Bedingfeld; and it was written with the mere view of declining the offer made to mediate between the contending parties, and not with a view of insulting any of Her Majesty's Representatives.

The Alake and Chiefs are very sorry that this letter has caused any offence whatever, but they must not fail to remark that the Acting Governor has written to them also in stranger terms, and

especially on one occasion by the late Captain Jones, 2nd West India Regiment, Mr. McCoskry, then Acting Consul, being conscious of the same; a very insulting letter, stating in the same that which neither he nor Mr. McCoskry would prove, and acting in direct opposition to the solemn promise he, Captain Jones, made to the Alake and Chiefs: but as they have no place to seek for redress, their own friend, the late Consul Foote, whom they knew and acknowledged to be Her Majesty's Representative, and who acted as such, being dead, they are obliged to take everything as they come, fully hoping that Her Majesty will soon send out another fit person to represent her in Lagos, who will not, as a merchant, seek the interest of a merchantman, but who will be, like his predecessor, Consul Foote, not easily biassed, and will sincerely and heartily seek the interest of the whole country at large.

The Alake and Chiefs, not intending to insult Her Majesty's Representative by their last letter, were not aware of the same, but would answer the questions proposed, viz., the Alake and Chiefs do sincerely acknowledged with much thankfulness that England has done much good for Abbeokuta, more than even mouths could express, and they are always grateful for the same, and had never occasion to complain, excepting since the death of Consul Foote.

The Alake and Chiefs will also state that all of Her Majesty's Representatives who have been in Lagos and elsewhere could not truly say anything of them but what will be to their credit and favour, and that they cannot produce a letter of theirs to them that will prove insulting or offensive, but that they have always endeavoured to show to them how grateful they are for what their Queen has done for them.

The Alake and Chiefs beg to state that Mr. McCoskry as a merchant has been prejudicial with the Egbas, and never once spoken in favour of them before he obtained the office of acting as Her Majesty's Representative at Lagos, either as Consul or Governor. As the Acting Governor he now stands the chance of not only speaking, but acting against the Alake and his subjects; therefore the Alake and his Chiefs and Elders beg to have no further communication with the Acting Governor respecting the present war.

The Alake and Chiefs are of opinion that Commander Bedingfeld cannot be fully alive to the true state of things as they really are, and therefore would strongly recommend and invite him to come up to Abbeokuta in order that he might see with his own eyes and then give his sound opinion and judgment afterwards.

The Alake and Chiefs are of opinion that if Commander Bedingfeld would only make it convenient, and come up to Abbeokuta, he would be more enlightened about this confusive state of affairs,



and will entertain a better opinion of them and their subjects, and consequently come to a better understanding.

2nd. The Alake and Chiefs, in the second question, are aware that they will sooner or later request the assistance of the English, and they cannot defy her powers, but are of opinion that England does not exercise her powers unjustly and rashly upon innocent native people, excepting there are some malicious persons to represent things in a contrary light, which they are afraid is now the case (making what is right to appear wrong), to the higher authorities, or Home Government in England, and state what they cannot prove to be facts, only for want of careful investigation, as was almost the case in the late proceedings, when Lagos was about to be colonized, which statement appeared in the "Free Press," and was contradicted by the "Iwe Irohin."

The Alake and Chiefs boast of their strength, not to the English, but to the Ibadans, who have taken possession of their lands; such being the case, the Alake and Chiefs think it is nothing but right that they should demand the same.

The Alake and Chiefs do not consider it safe to pull the whiskers of the sleeping lion, therefore they now beg to decline further communication with a prejudiced man like Mr. McCookry (who is Her Majesty's Representative) in Lagos, a merchant, and one who seeks only his own trading interests, and nothing more, because if they do he is sure to bring them into some unpleasantness with the English (the lion), which they never intend doing.

And lastly, the Alake and Chiefs are sorry that there should be any unpleasantness or misunderstanding between them and the English Government at Lagos. As long as the present Acting Governor is there this unpleasantness will not cease to occur; therefore, to prevent further unpleasantness, the Alake and Chiefs will again state that they will no more correspond with the present Acting Governor on the subject, but will patiently wait for the proper Governor to come, or if Commander Bedingfeld can make it convenient to come up for a short time to Abbeokuta, they will feel happy to see him, as by his coming he might see things under better and clearer light, and some other arrangements might be made.

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(Inclosure 6.)—*Mr. Hemingway to Commodore Edmonstone.*

SIR,

Sisters, *Bonny River*, October 14, 1861.

IN answer to your favour of the 7th instant, by Her Majesty's ship *Philomel* on the 10th instant, I have the pleasure to convey to you the sincere thanks of this Court for your considerate and prompt attention to this Court's application, made to you through Commander Bedingfeld, for a man-of-war's immediate presence in

this river. At the time that application was made to Commander Bedingfeld the affairs in this river we considered in a very alarming state, and this Court has every reason to believe, from all that has occurred since the date of that request, that nothing could have prevented a civil war in the Bonny betwixt the two parties but an extensive fire that broke out in the town of Bonny on the Sunday night, September 1st, which destroyed one part of the town, and, it is our opinion, prevented any fighting.

Since then the King Pepple has been on shore in Bonny three times, and given this Court formal notice twice of his having taken possession of the town, and demanded twice from the merchants here payment of the comeys due from 5 ships that have arrived in this river since Pepple's arrival. This second demand Commander Wildman will convey to you a copy of, and this Court's answer to it.

This Court feels exceedingly grateful that you have made such arrangements as will for the future enable Captain Burton, Her Britannic Majesty's Consul, to visit this river more frequently, a circumstance most desirable, that the Consul and also the men-of-war should more frequently visit this important river, that has frequently 17 and sometimes 20 sail of merchant-vessels trading here, varying from 400 to 1,250 tons. This Court wishes to impress upon you the great benefit the very appearance one of Her Majesty's vessels of war visiting this river has upon the natives, and this Court trusts that nothing will occur to interfere with your being able to carry out this request.

The arrival of the *Philomel* in this river was most fortunate, for her appearance here, and the dignified and gentlemanly manner of Commander Wildman's proceedings, have tended to settle the affairs in this river that would have remained unsettled, and most likely terminated in a civil war and a complete stoppage of commerce had not one of Her Majesty's vessels been here.

In conclusion, we beg to refer you to the Commander of the *Philomel* for full particulars of all proceedings here during his stay.

I have, &c.

Commodore Edmonstone.

REUBEN HEMINGWAY.

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EAST COAST OF AFRICA STATION.

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No. 98.—*Commander Oldfield to the Secretary to the Admiralty.*  
(Extract.) Lyra, Simon's Bay, December 31, 1860.

DURING the 6 months 4 vessels for certain have been on the coast between Quilon and Lamo, and latitude 9° 0' south, longitude

2° 0' east, and 3, no doubt, got cargoes, as upwards of 3,000 slaves were collected during the months of June, July, and August, by Messrs. B. V. Mas and Bernado, the former a merchant of some years' residence in Zanzibar, and the latter a slave-dealer, who came there for the purpose of supervising the shipping of the cargoes of the said 4 vessels, one of which was captured by the *Lyra*.

Slaves to a large amount may be bought, and without the coast be very strictly watched, shipped, from the dominions of His Majesty the Sultan of Zanzibar: 19,000 slaves were exported from Quiloa and the ports between it and Cape Delgado in the years 1859 and 1860.

Slaves are exported, as heretofore reported by me, from Ibo and Quilimane to an extent of some 2,000 to 3,000 annually from the former, and 1,000 to 1,500 from the latter place.

The import of slaves into the Comoro Islands and Madagascar is, I think, not in excess of the call of domestic and agricultural labour.

*The Secretary to the Admiralty.*

R. B. OLDFIELD.

*No. 99.—Commander Buckley to Rear-Admiral Sir H. Keppel.*

Sir,

Peraian, Zanzibar, December 31, 1860.

I HAVE the honour to report to you that, from the information I have been able to collect as yet, the Slave Trade seems dull at present about this part of the coast; Lieutenant Colonel Rigby, Her Britannic Majesty's Consul here having caused the noted slave-dealer, Mass, to be banished from the territories of His Highness the Sultan of Zanzibar, and that person has been obliged to retire to Aden.

In consequence of his departure, a Spanish barque, called the *Formosa Estrella*, intending to ship at Lamoo, has been unable to do so, and is at present lying in this port, having fallen into the hands of His Highness the Sultan, and been by him detained.

During the north-east monsoon a number of dhows and bungalows from the Red Sea and Persian Gulf, and other parts to the northward, come down to Zanzibar and adjacent ports; and when the south-west monsoon sets in, generally during the month of March, they steal slaves in the most barefaced manner, and depart to the northward with them.

These are neither more nor less than pirates, and Lieutenant-Colonel Rigby has written to the Government, and suggested that a screw gun-vessel should be stationed about Zanzibar during the months of March and April, which by cruising actively could intercept numbers of them, a suggestion in which I fully coincide. Instances have been known of these dhows throwing the slaves overboard when they imagined they were pursued by a man-of-war.

The above is all the information I have been able to collect at present.

I have, &c.

Rear-Admiral Sir H. Keppel.

CECIL W. BUCKLEY.

No. 100.—*Captain De Horsey to the Secretary to the Admiralty.*

SIR,

Brisk, December 31, 1860.

DURING the past half-year the *Brisk* has captured and condemned one slaver, the *Manuela*, of 702 tons, with 846 slaves on board, the finest slaver, I believe, that was ever captured on the East Coast.

I should strongly recommend that an attempt be made to induce the Sultan of Zanzibar to enter into a Treaty with Great Britain, putting a stop to all slave traffic between the different ports of his dominions. Such a Treaty would be a great assistance to the English cruizers in stopping the Slave Trade, as slaves must now frequently be shipped on board foreign vessels under cover of being taken by licence of the Sultan of Zanzibar from one port to another.

There appears to be no specific instructions as to the disposal of the crews of captured slavers, such captures having been made with respect to vessels not entitled to the protection of any flag. I consequently discharged the *Manuela's* crew, 45 in number, to the shore.

It is to be regretted that these men should have escaped unpunished. If the severest penalty of the law was inflicted on all crews of slavers, it would prove a considerable check to men engaged in that nefarious traffic.

I have, &c.

The Secretary to the Admiralty.

A. J. R. DE HORSEY.

No. 106.—*Rear-Admiral Sir B. Walker to the Secretary to the Admiralty.*

SIR,

Narcissus, in Simon's Bay, September 19, 1861.

I HAVE the honour to acknowledge the receipt of your letter of the 19th July, 1861, with inclosure from the Under-Secretary of State for Foreign Affairs, signifying to me the directions of the Lords Commissioners of the Admiralty, to ascertain all the facts regarding a report that French vessels were again engaged in exporting negroes as free labourers from the east coast of Africa to the French colonies.

In reply, I beg you will lay before their Lordships the inclosed 4 reports, from different sources named in the margin, which reached me prior to the receipt of your letter above mentioned.

From these documents it is too painfully evident that a brisk and increasing Slave Trade, with all its attendant horrors, has been

for some time past carried on under the protection of the French Imperial flag, and to which, I regret to say, the small legitimate commerce of the east coast of Africa is again rapidly yielding.

The manner in which the traffic is conducted by French subjects is so clearly shown in the inclosures that further comment is unnecessary.

I feel confident that if foreign Governments did not allow their flags to be tarnished by this disgraceful traffic in human flesh, a stop would soon be put to the Slave Trade by Her Majesty's cruizers employed upon that service.

I have, &c.

*The Secretary to the Admiralty.*

B. W. WALKER.

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(Inclosure 1.—*Captain De Horsey to Rear-Admiral Sir B. Walker.*  
SIR,

*Brisk, Pomony Harbour, July 26, 1861.*

I HAVE the honour to report for your information that on the 22nd instant I gave chase to a dhow, which presently hoisted French colours.

Having come up with her I dropped a boat alongside, and the officer, having obtained permission, went on board the dhow to make inquiries about a French dhow said to have been wrecked on the coast of Mohilla.

The report of the boarding officer (Lieutenant Adeane) was as follows:—Name of vessel, *Dzonmoque*; owner, A. N. Bowicier, of Mayotte; colours, French; tonnage, about 30 tons; from Mohilla, bound to Mayotte; cargoes, 93 negroes; with 3 white men on board, one of whom was M. Colow, lately Chief of the Police at Mayotte, and correct papers duly signed by the Commandant-Supérieur (Governor of Mayotte).

Of the identity of the French Chief of Police, and that the cargo consisted of pure African negroes, not Comoro Islanders, there can be no doubt whatever, as Her Majesty's Consul, who happened to be on board the *Brisk*, went on board, in addition to the boarding officer, and recognized and spoke to the person referred to, M. Colow.

One of the principal men of Johanna, by name Lidi Drayman, also went on board as interpreter, and certifies, as well as Her Majesty's Consul, to the fact of their being simply African negroes.

The boarding officer, by my orders, clearly explained the reason which induced me to visit the dhow, and that it was in nowise to be interpreted as an exercise of authority.

It was at first my intention to accompany the slave-dhow to Mayotte, and there to lay the facts before the Commandant-Supérieur, so that he could not pretend ignorance of the Slave Trade being carried on under his authority; but, on mature consideration, I desisted from doing so, in order to prevent him from construing

of which satisfied me that he was entitled to the protection of the French flag, therefore I offered to make a note on his paper of my visit, but he did not wish it, and I again landed him, he not being in the least offended at my requiring his papers.

I have, &c.

*Lieutenant McHardy.*

CLAUDE E. BUCKLE.

(*Inclosure 4.*)—*Dr. Livingstone to Sir G. Grey.*

(Extract.)

April 4, 1861.

You remember when every Cape paper contained the great word *Mazeppa*. From flaring in print she has come down to carrying slaves. We found her here with 60 on board, bought at Kilwa (Quiloa) on the east coast, at 22 dollars per head, then the owner gave 250 dollars to a Chief on Comoro Island to furnish him with a certificate that the slaves were his own people lent as free emigrants. It is here scarcely thought necessary to conceal the nature of these transactions; there is constant intercourse between the islands, and the Chief is rather admired for the amount he extracted. But the French Government official is on board, and it is illegal to touch her.

*Sir G. Grey.*

D. LIVINGSTONE.

(*Inclosure 5.*)—*Commander Stirling to Rear-Admiral Sir B. Walker.*

SIR,

Wasp, *Simon's Bay*, September 18, 1861.

IN compliance with your memorandum of yesterday's date, requiring me to state any facts that I am acquainted with relative to the engagement of negroes on the East Coast of Africa as free labourers for the French Colonies, I have the honour to report to you the following circumstances:

On the 6th April, 1861, while at anchor in Her Majesty's ship under my command at Johanna, a boat arrived from a French brigantine, said to be in the offing and in distress. The supercargo, who was in the boat, told the following story. His vessel had been lying off Comoro about 10 days previously during a fresh breeze, when a French brig drifted across her bows, her cable parted, and she was carried out to sea. Since then she had been drifted about by light, baffling winds and contrary currents, until her water and provisions were well nigh exhausted. She would appear at Johanna as soon as a breeze sprung up; in the meantime he had come to beg for a supply of necessaries. He described his vessel to be without boats or anchors, short of provisions, little or no water, no casks, and the crew suffering from dysentery, which was the more deplorable as she had on board 50 negro labourers, which had been embarked at Comoro for the supply of Nos Beh. Considerations of humanity, especially for the helpless Africans,

induced me to grant him a supply of bread, rum, and a couple of water-casks, all of which he paid for.

Three days afterwards, when the brigantine herself arrived, her pilot (by name Kalifun ?) a native of Johanna, declared that the so-called free labourers which she had on board were really slaves; that they were Africans of the Macua tribe, and that they had been obtained on the mainland (I think at Quiloa) at 25 dollars a head; that then the vessel had called at Comoro, where a bribe of 200 or 300 dollars had induced the Chief to give a passport, certifying that the negroes on board were natives of Comoro, and had been engaged there as free labourers.

During the vessel's stay at Johanna several of the negroes attempted to escape; one or two succeeded in doing so. This tends to confirm the pilot's statement that the engagement had not been voluntary.

On the 14th of April the brigantine sailed for Nos Beh, having obtained the requisite supplies. She carried a letter-bag for England, which was forwarded from Nos Beh, viâ Bourbon.

The name of the vessel was *Antankara*. Her owner, M. Daton, was on board; he is a resident at the Island of Nos Beh, where I am informed he possesses a sugar estate. There was also on board a Government officer, as is usual in vessels employed in this traffic, an officer styled "Délégué," whose special duty it is to see that the engagement entered into between the master and the labourer is quite voluntary—that no coercion or other foul means are used. His name was M. Lenormande; he wore the Legion of Honour, and said he had served as non-commissioned officer in the French army during the Crimean war.

I have, &c.

*Rear-Admiral Sir B. Walker.*

CHAS. STIRLING.

#### NORTH AMERICA AND WEST INDIA STATION.

*No. 107.—Commodore Dunlop to the Secretary to the Admiralty.*

SIR,

Imaum, at Jamaica, May 6, 1861.

I HAVE the honour to transmit herewith, to be laid before the Lords Commissioners of the Admiralty, a copy of a letter I have this day addressed to the Commander-in-chief, informing him that the Judge of the Vice-Admiralty Court in this Island has decided that he has no jurisdiction over the two vessels captured by the *Barracouta* in October, 1860, on suspicion of being engaged in the Slave Trade, and that they must be sent to Havana for trial before a Mixed Commission.

I have, &c.

*The Secretary to the Admiralty.*

HUGH DUNLOP.



(Inclosure.)—Commodore Dunlop to Rear-Admiral Sir A. Milne.

SIR, Inaam, at Jamaica, May 6, 1861.

REFERRING to my letter of 24th January last, relative to two vessels captured by Her Majesty's ship *Barracouta* in October last, on suspicion of being engaged in the Slave Trade, I have the honour to inform you that, on the case coming on for trial on the 3rd instant, the Judge of the Vice-Admiralty Court in this island decided that he had no jurisdiction over the vessels, and that they must be sent to Havana for trial before the Mixed Commission.

It is, therefore, my intention to send Her Majesty's ship *Barracouta* to that place with them in the course of a few days.

I have, &c.

Rear-Admiral Sir A. Milne.

HUGH DUNLOP.

No. 108.—Rear-Admiral Sir A. Milne to the Sec<sup>y</sup>. to the Admiralty.

SIR, Nile, at Barbadoes, February 21, 1861.

IN transmitting the accompanying correspondence relating to an alleged case of piracy, for the information of the Lords Commissioners of the Admiralty, I beg you will acquaint their Lordships that, as the transaction in question has no reference to the property of British subjects, although Señor Cano holds the appointment of British Vice-Consul, but is entirely a mercantile question between the citizens of the New Granadian Government and the master of a vessel belonging to The United States, I do not consider I should be justified in taking any active steps in the matter, and thereby probably involve Her Majesty's Government in a question which, it appears to me, can alone be decided by reference to the respective Governments and their Civil Courts.

I have, &c.

The Secretary to the Admiralty.

ALEX. MILNE.

(Inclosure 1.)—Captain Hillyar to Commodore Dunlop.

Cadmus, at sea, lat. 13° 48' S., long. 74° 10' W.,

SIR, February 3, 1861.

I HAVE the honour to transmit a letter from Captain Doyle, Her Majesty's Vice-Consul at Santa Martha, inclosing a declaration made before him of an act of piracy committed by Antonio Pelletier, master of the barquo *William*.

In forwarding this letter I have the honour to observe, that this is the same vessel that was boarded by Her Majesty's ship *Gladiator*, at Carthagena, under suspicion of being a slaver.

Her Commander will probably be able to supply the information wanting in the protest as to the description of the vessel.

I have, &c.

Commodore Dunlop.

HENRY S. HILLYAR.

(*Inclosure 2.*)—*Vice-Consul Doyle to Captain Hillyar.*

SIR,

*Santa Martha, January 31, 1861.*

I HAVE the honour to transmit to you, herewith, a certified copy of a Declaration and Protest, made before me, setting forth the piratical acts committed on the high seas by Antonio Pelletier, master of the barque called the *William*, said to be of the port of New Orleans, and carrying the American flag.

You will be best judge of what steps should be taken in this matter, so that, if possible, the said pirate and his vessel may be captured.

In such case the parties named in the declaration, some of whose signatures are thereunto attached, can be produced as witnesses, at Jamaica or elsewhere, against the said pirate, and through your investigation the man Antonio Bacna, of Carthagena, whose family reside there, may, on his return to that city, be made a party to prove the charges against Pelletier, should Bacna be able to exculpate himself from all complicity in those proceedings.

I have, &c.

*Captain Hillyar.*

BENTINCK W. DOYLE.

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(*Inclosure 3.*)—*Declaration.*

By this public instrument of Declaration and Protest be it known, that on Wednesday, the 23rd day of January, 1861, before me, Bentinck W. Doyle, Her Britannic Majesty's Vice-Consul at this port of Santa Martha, New Granada, personally appeared Señor Juan Cotes, native of the Province of Rio Hacha, in the said Republic, who declared that he had been, during the last 6 years, acting as a travelling agent in the employ of Mr. Antonio Cano, merchant and British Vice-Consul at Rio Hacha, in the Republic. That deponent being in Carthagena, in the State of Bolivar, in the month of December last past, on Mr. Cano's business, looking for an opportunity to return to Rio Hacha, with some cargo purchased for and on account of the said Mr. Cano; and Antonio Pelletier master of the American barque *William*, said to be of the port of New Orleans, offered to take deponent, his wife, and child, and servant, together with his said cargo, and land them at Rio Hacha, deponent paying the said Antonio Pelletier the sum of 185 dollars as freight. That on the 1st day of December last past deponent shipped on board of the said barque *William* 185 bags of maizo (Indian corn), value 555 dollars; 112 boxes of Castile and yellow soap, value about 400 dollars; 36 bales of mats (*esteras*), value about 150 dollars; and 44 bales of tobacco, value about 1,760 dollars; for all of which the said master, Antonio Pelletier, signed bills of lading.

That on the 6th day of the said month deponent, together with his

wife, child, and a man-servant, called Felix Pascual Onates, went on board of the said barque *William*, and the same day made sail and left the port. That the first few days all went well, but about the eighth day deponent began to understand from the said Antonio Pelletier that the supply of water on board was getting short; and about 3 days afterwards the deponent was told by the said Antonio Pelletier that neither he, deponent, nor his wife, child, nor servant, should be given any more water unless he (deponent) would sign a document and indorse the bills of lading. That said deponent stated, amongst many other falsehoods, that deponent requested the said Antonio Pelletier to land deponent and family in the nearest port the ship could make, because his (deponent's) wife was unwell, and far advanced in pregnancy, and that for so doing the deponent would pay the said Antonio Pelletier the sum of 500 dollars. That the indorsement on the said bills of lading to which the said Antonio Pelletier required deponent's signature, stated that the said bills of lading remained cancelled. That deponent refused to sign said document, or to indorse the said bills of lading, observing to the said Antonio Pelletier that the goods were the property of the aforesaid Antonio Cano, and that he, deponent, could not commit such an act of infamy. That the said Antonio Pelletier replied, that in that case he (deponent) and his family might die; and that if he preferred death to signing the said document and endorsement he might do so. That after this conversation nearly 24 hours passed without deponent or his family getting any water, when, finding that further resistance was out of the question, he (deponent) was compelled to sign the document and to indorse the said bills of lading. That on the 19th of December last deponent signed the said document, and also indorsed said bills of lading; and on the following day the said deponent, together with his wife, child, and servant, were landed on the island called Grand Cayman. That shortly after landing on that island the said Antonio Pelletier told deponent that he, Pelletier, having been compelled to alter his course could not be expected to bear the expense of landing deponent and his family without deponent paying the 500 dollars specified in the document before named; and that as deponent had no money he, Antonio Pelletier, would keep 8 bales of tobacco, and hand over to deponent there the remainder of the cargo. That the day after this conversation the said Antonio Pelletier told deponent that he had spoken with the master of a small schooner then laying in the offing, with the view of getting him to take the remainder of the cargo on board, for account of deponent; and the following, namely, the 22nd day of December, the said Antonio Pelletier told deponent that he would not give him the cargo; that the cargo was *damaged*, and same time presented to deponent another document

for him to sign, in which it was stated that deponent had sold him (Antonio Pelletier) all the cargo for 1,000 dollars, 500 of which deponent had engaged to pay as stated in the document hereinbefore referred to, and 500 more for losses and damages which he, the said Antonio Pelletier, said he considered he had been caused. That deponent refused to sign this last-mentioned document, and told the said Antonio Pelletier that he was a thief, when the said Antonio Pelletier replied, "If you do not sign it, I will have you, your wife, child, and servant murdered."

The deponent, seeing himself surrounded by a set of wild-looking people, and without any hope of assistance, and being unable to speak, and thereby explain himself to those of the island around him, he felt compelled to submit, and sign the document in question, which document the said Antonio Pelletier retained in his possession.

That deponent saw in the hold of the said barque *William*, during the voyage, two large boilers, about 5 feet in diameter by 3 feet deep, capable of cooking food for a large number of people, as also a large quantity of rifles and pistols; the deponent has no doubt, from what he saw and heard whilst on board, that the said barque *William* is a piratical vessel.

That the person who wrote out the document hereinbefore mentioned for deponent to sign, is Señor Antonio Baena, a native of Carthagena, who continued with the said Antonio Pelletier after deponent was put on shore. Wherefore deponent, the said Juan Cotes, did declare and protest, as by these presents he does solemnly protest for himself, as also for and on behalf of his said employer, the said Don Antonio Cano, against the act of piracy committed by the said Antonio Pelletier as hereinbefore set forth and described, and does declare that all losses, damages, and detriments arising therefrom to the said deponent or to the said Señor Antonio Cano are and ought to be borne by the said Antonio Pelletier, and not by either the deponent or the said Señor Cano.

All of which matters and things were declared, alleged, and affirmed, as before set forth, in the presence of me, the said Vice-Consul, and therefore I have hereunto subscribed my name, and affixed my seal of office, being requested to testify and certify the same.

Thus done and protested at Santa Martha, the day and year first written.

BENTINCK W. DOYLE.

JUAN COTES.

<sup>his</sup>  
FELIX  PASCUAL OUATES,  
mark.

Juan Cotes, travelling agent for Mr. Antonio Cano, merchant and British Vice-Consul at Rio Hacha, being duly sworn according to his religious faith and the custom of this country, doth make oath and say, that the instrument or protest hereunto annexed hath been clearly and distinctly translated and read over to him, the deponent, and that the several matters and things therein contained are right and true in all respects as the same are therein particularly alleged, declared, and set forth.

JUAN COTES.

I, Bentinck W. Doyle, Her Britannic Majesty's Vice-Consul at the port of Santa Martha, New Granada, do hereby certify that Felix Pascual Ouates, mentioned in the hereunto-annexed instrument of Declaration or Protest, did appear before me, this 31st day of January, 1861; and that the said declaration was carefully translated and read over to him, the said Felix Pascual Ouates, and that he, having been duly sworn according to his religious faith and the custom of this country, did solemnly swear to the truth thereof, so far as it relates to the acts of piracy committed by Antonio Pelletier, as set forth and described in the said declaration.

BENTINCK W. DOYLE.

his  
FELIX  PASCUAL OUATES.  
mark.

I, Bentinck W. Doyle, Her Britannic Majesty's Vice-Consul at this port of Santa Martha, New Granada, do hereby certify and attest that the foregoing is a true and faithful copy of the original Declaration or Protest entered in the acts of this Vice-Consulate, copied therefrom and carefully compared therewith. In testimony whereof I have hereunto set my name and affixed the seal of this office at Santa Martha, this 31st day of January, 1861.

BENTINCK W. DOYLE.

*No. 110.—Rear-Admiral Sir A. Milne to the Secretary to the Admiralty.*

SIR, Nile, at Halifax, June 9, 1861.

COMMODORE DUNLOP having transmitted to their Lordships a copy of his despatch to me of the 16th ultimo, relative to the two Spanish vessels detained by Her Majesty's ship *Barracouta* in October last being now sent to the Havana for adjudication, it is unnecessary for me to enter into the subject beyond expressing a very decided opinion that I consider it would have been much more satisfactory to all parties, had the Admiralty Court at Jamaica come to this decision as soon as the vessels were brought within their jurisdiction, instead of allowing more than 6 months to elapse,

causing thereby a heavy expense, at the same time great inconvenience to the captors. The impression I received on the spot, when at Port Royal in April last was, that one, if not both, were cases of that character that might at once have been dealt with by the High Court of Admiralty.

I have, &c.

*The Secretary to the Admiralty.*

ALEX. MILNE.

No. 111.—*Rear-Admiral Sir A. Milne to the Sec<sup>y</sup>. to the Admiralty.*  
SIR, Nile, at Halifax, August 7, 1861.

I HAVE the honour to transmit, for their Lordships' information, a copy of a letter dated the 10th ultimo from Commander Wood, of Her Majesty's ship *Barracouta*, reporting his proceedings in connection with a recent visit he paid to the Bahama Islands in June last.

I have, &c.

*The Secretary to the Admiralty.*

ALEX. MILNE.

(Inclosure 1.)—*Commander Wood to Commodore Dunlop.*  
SIR, Barracouta, Havana, July 10, 1861.

I HAVE the honour to report the arrival of Her Majesty's ship *Barracouta* at this port on the 8th instant, having visited all the different places shown on the other side hereof, according to your instructions of June 13th.

I found the whole of the Cays of the Bahamas to be in a perfectly quiet state, and those inhabitants with whom I had any intercourse were all well conducted, and had no complaint of any sort to make, either as to the encroachment of foreign vessels for guano, or for the forcible abduction of the people; and although it was true that a very suspicious vessel (since found out to have been the *William*, and now a prize to the Haytian Government) had anchored at the Great Tuagua for water, she certainly never attempted to take away any of the people by force, but having been obliged to slip suddenly on account of bad weather, three white men were unavoidably taken to sea for a day or two, but she returned with them again so soon as the wind changed. Hence the false report concerning the abduction of the negroes there.

The only other instance is the fact of a certain American vessel having actually kidnapped 3 or 4 negroes from off the Great Bahama Island some time since, but this case is at present under the serious consideration of the American Government.

After conferring with the Governor of Nassau, and remaining there 8 days, for the purpose of giving leave to the ship's company, I proceeded to the Great Bahama Island, and from thence to Anguilla, in order to ascertain, if possible, from ocular demonstration whether these slaves (*vide* inclosed Reports) had actually been landed there.

The date of this proceeding, as given by the master of the *Azorian*, was exactly 14 days after I had visited and stood within the barracoon myself, at which time I feel convinced (as previously reported) that it had not been used for many months. Upon my arrival at Anguilla I found that the *Azorian* had returned there, and was employed in catching turtle. I sent at once for the master, and with him visited the shore: everything was there according to his written deposition—the wreck burnt to the water's edge, immense quantities of plank, spars, tubs, casks, &c., strewn all over the beach, and the barracoon itself showing evident symptoms of having been lately repaired and inhabited, as plenty of large fresh-water casks, cooking-tins half full of food, spoons, mess-kids, empty barrels, and cases of all sorts, were lying about.

There cannot be a doubt that this man's statement is correct; the 600 slaves, he says, were mostly composed of young boys and girls, with very few grown-up people, and all remarkably healthy. The corpse of one negress was found by him on the weather side of the island, the side from whence they embarked; hence he concludes she must have been drowned. I have since discovered that the slaver was an American brig called the *Storm King*.

I arrived at Havana on the 8th instant, and was there informed by Her Majesty's Consul-General of your expected arrival, but judging that it might be some time before you could be here, and taking into consideration the present sickly state of the place, I have thought it best to proceed in the execution of my orders, especially as the telegraph can reach the south side of Cuba. It is, therefore, my intention to leave to-morrow morning for the Isle of Pines, where I shall despatch a couple of boats to examine the land and cays around. I shall then go to Cienfuegos, St. Jago de Cuba, and Guantanamo, keeping close in-shore, and expect to reach Port Royal about the 2nd or 3rd of next month.

I have, &c.

Commodore Dunlop.

W. WOOD.

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(Inclosure 2.)—*List of Places visited by Her Majesty's ship Barrocouta, between the 14th June and 10th July, 1861.*

Port-au-Prince.

Inagua.—Orderly and contented; anchored and communicated; no complaints.

Hogsty Reef.—Uninhabited; sighted.

Mariguana.—Quiet and contented; anchored and communicated; no complaints; very few people.

Plana Cays.—Uninhabited; anchored.

Crooked Island.—Quiet and contented; anchored and communicated; no complaints.



Long Island.—Quiet and contented; hove-to and communicated; no complaints.

Rum Cay.—Quiet and contented; anchored and communicated; no complaints.

Conception.—Uninhabited; skirted the west side.

San Salvador.—Quiet and contented; anchored and communicated; no complaints.

Watling Island.—Quiet and contented; hove-to and communicated; no complaints.

Abaco.—Quiet and contented; anchored and communicated; no complaints.

Nassau.

Great Bahama Island.—Too much surf to land; hove-to and communicated with a small schooner.

Anguilla.

Havana.

W. WOOD.

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## AFRICA (BIGHT OF BENIN).

## CONSULAR.

*No. 2.—Consul Foote to Lord J. Russell.—(Received March 14.)*  
(Extract.) *Lagos, February 4, 1861.*

HAVING good reason to believe that several of the Sierra Leone emigrants resident at Lagos not only held slaves, but purchased, bartered, and traded in them, I posted up in a conspicuous place at the entrance of my office a notice requiring all British subjects to

present themselves at this Consulate for enrolment in the Consular register.

Up to this moment not one Sierra Leone emigrant has presented himself.

I accordingly deemed it expedient to issue another public notice of which the inclosure is a copy, further fixing a period for the said enrolment; also informing these emigrants and others claiming British protection, that I shall withhold the protection of my flag from all claiming such protection, who may either hold, deal in, purchase, or barter slaves.

I have also directed the Clerk of the Court to refuse to entertain for trial any case brought for entry, where the plaintiff, being a British subject or under British protection, may either be a slaveholder, or directly or indirectly connected with the trade.

The foregoing, in the case of coloured British subjects, will cast them completely under the rule of the king, and I believe will be the means of eventually checking an inhuman and barbarous custom, which is a still greater outrage when perpetrated by the very individuals who have themselves escaped from a cruel bondage, after entailing a heavy cost of life and treasure upon Her Majesty's Government.

*Lord J. Russell.*

HENRY GRANT FOOTE.

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*(Inclosure.)—Notice.*

*British Consulate, Lagos, February 4, 1861.*

NOTWITHSTANDING that due notice has been posted up at this Consulate requiring all persons claiming British protection to repair to this Consulate to register their names, the requisition has not yet been complied with.

The Undersigned, therefore, again repeats that he will not recognize or protect in any difficulties or suits whatsoever, such as neglect or refuse to make application to be enrolled, and that the 28th day of February is the utmost limit of time the Undersigned can allow for the completion of such enrolment.

The Undersigned further gives notice that, upon the completion of said list, a copy will be transmitted to King Docemo, in order that the King may distinguish between such coloured persons as may be subject to his rule, and those who are entitled to British protection.

The Undersigned further gives both British subjects and such coloured persons as may be temporarily under British protection, fully to understand that such as deal or trade in, purchase, sell, barter, or transfer slaves or persons intended to be dealt with as slaves, or who have become security for the loan or advance, or contract for the lending or advancing money, goods, or effects

employed, or to be employed, in accomplishing any contract in relation to the trading in or holding slaves, shall not be considered as entitled to British protection, nor can they under any circumstances appeal for aid or assistance from this Consulate.

HENRY GRANT FOOTE.

*No. 6.—Consul Foote to Lord J. Russell.—(Received April 10.)*

MY LORD,

*Lagos, March 9, 1861.*

I HAVE the honour to inclose the accompanying copy of a despatch sent to me by the Alake of Abbeokuta, in which the Alake denies having agreed to any Treaty by which the whole of the lands of the Egbas, as far as they extend, are open to American coloured emigrants.

I have lost no time in forwarding the copy of the Alake's despatch, as it is of importance that the African Aid Association, who are greatly interested in the colonization of this part of Africa, should be made acquainted with the facts in connection with the scheme of Messrs. Campbell and Delany.

I have, &c.

*Lord J. Russell.*

HENRY GRANT FOOTE.

*(Inclosure.)—The Alake of Abbeokuta to Consul Foote.*

*Abbeokuta, March 4, 1861.*

THE Alake and Chiefs send their respects to you, and wishing you a good health.

The Alake and Chiefs having learnt that Dr. Delany and Mr. Campbell, two American coloured men, who came to Abbeokuta last year and returned back to America, on their reaching home, published in newspaper to this effect,—that the Alake and Chiefs signed a Treaty with them on their request. In that newspaper, the Alake and Chiefs do understand were printed, that the whole lands belonging to the Egbas as far as they extend, are open to them, and they are at liberty, at any time, to go wherever they please and form a colony.

The Alake and Chiefs declare that this is a downright fabrication, and that they signed no Treaty, but that the Alake granted Dr. Delany and Mr. Campbell's request to make farms is true, as will be seen as follows :

*Ake, Abbeokuta, February 8, 1861.*

The Alake, in the presence of the Undersigned, denied having signed any Treaty with the Americans, and also denied having granted them leave to form a colony without the walls of Abbeokuta.

The Alake states that he remembers Dr. Delany and Mr. Camp-



hell coming to him to ask for a lot of land for farming, which he granted them, but he had no other transaction with them.

The Alake will not accept the person of any white man who does not come to him recommended by the English Consul, the Church, or Wesleyan Missionaries.

J. M. TURNER.

WILLIAM COLE.

JOHN CRAIGG.

JOHN THOMAS.

JOHN DICK.

WILLIAM PETER.

JOHN TAYLOR.

DAVID WILLIAMS, *King Alake's Clerk.*

ANDREW WILHELM.

*No. 8.—Lord Wodehouse to Consul Foote.*

SIR,

*Foreign Office, April 23, 1861.*

I AM directed by Lord John Russell to transmit to you the accompanying copies of a letter, and its inclosures, from the African Aid Society, containing explanations in regard to the alleged denial on the part of the Alake and Chiefs of Abbeokuta that they had signed a Treaty with the Commissioners on behalf of the free American blacks, granting permission to them to settle on the unoccupied lands belonging to Abbeokuta; and I am to instruct you to endeavour to ascertain and to report to his Lordship how this matter really stands.

I am, &c.

*H. G. Foote, Esq.*

WODEHOUSE.

*(Inclosure 1.)—Lord A. Churchill to Lord Wodehouse.*

*African Aid Society, 12, York Buildings, Adelphi,*

MY LORD,

*April 22, 1861.*

OUR Secretary acknowledged the receipt of your Lordship's letter of the 15th instant, inclosing a letter from the Alake of Abbeokuta, forwarded through Mr. Consul Foote of Lagos.

The Alake therein states that he signed no Treaty with Dr. Delany and Mr. Campbell on behalf of the African race in America, but that he did grant permission to those gentlemen to reside in the town, and form farms without the walls.

Fortunately, the arrival in this country of Samuel Crowther, Junior, son of the celebrated missionary of that name, has enabled the Committee to inquire into the truth of the allegations of the document purporting to have come from the Alake.

I have the honour now to inclose the statement of Mr. Crowther in reply, he having been the attesting witness to the signatures of

the impugned Treaty. The Committee believe that Mr. Crowther's statement is substantially correct.

It is true that this Treaty, published here and in America on the authority of Dr. Delany and Mr. Campbell, differs verbally in Article I from the understanding arrived at between those gentlemen and the Alake. The version given by Mr. Crowther fully explains how this deviation occurred, the modification of the original text proposed by the Alake being really intended as an explanation of the construction put by him upon Article I of the Treaty to which he affixed his signature.

The Committee believe that so far from this construction vitiating the position and rights the coloured immigrants would enjoy under the Treaty, it will, so soon as they are informed of its nature, impart additional confidence to them, in the assurance it conveys that the Alake was prepared to give them the most efficacious protection in his power on their undertaking to reside within the walls of Abbeokuta.

They are confidently informed by parties acquainted with the country that there does exist on the part of the natives a desire to enjoy the advantages that would accrue from the contact of civilized coloured people from America, and the skill and knowledge they are able to impart.

They wish, however, to state, in addition, that there appears reason to believe that much jealous apprehension is felt by strangers at present residing there, as to the probable commercial competition that would attend the influx of intelligent coloured people from America.

This, they trust, will have its due weight with your Lordship in considering the contents of the documents to which this letter refers.

I have, &c.

*Lord Wodehouse.*

ALFRED S. CHURCHILL,  
*Chairman of the African Aid Society.*

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(Inclosure 2.)—*Mr. Crowther to Lord A Churchill.*

MY LORD, 50, *Baker Street, Portman Square, April 18, 1861.*

DURING Dr. Delany's and Mr. Campbell's visit to Abbeokuta, the Rev. S. Crowther (my father) and myself were asked by the above gentlemen to accompany them to the Alake, or King of Abbeokuta, to witness and attest to the signing of the following Treaty; we walked together to the King's palace between 3 and 4 o'clock in the afternoon, when the following Treaty was read and signed by the King of Abbeokuta in the presence of his courtiers, the elders of the town, and the Representatives of the Chiefs, on the one part, and Dr. Delany and Mr. Campbell, Commissioners, on the other part, the Rev. S. Crowther and myself witnessing to it.

ART. I. That the King and Chief on their part agree to grant and assign unto the said Commissioners, on behalf of the African race in America, the right and privilege of farming in common with the Egba people, and of building their houses and residing in the town of Abbeokuta, and intermingling with the population.

II. That all matters requiring legal investigation among the settlers be left to themselves to be disposed of according to their own custom.

III. That the Commissioners on their part also agree that the settlers shall bring with them as an equivalent for the privileges above accorded, intelligence, education, a knowledge of the arts and sciences, agriculture, and other mechanical and industrial occupations which they shall put into immediate operation by improving the lands, and in other useful vocations.

IV. That the laws of the Egba people shall be strictly respected by the settlers, and in all matters in which both parties are concerned an equal number of Commissioners, mutually agreed upon, shall be appointed, who shall have power to settle such matters."

The first wording of the Treaty presented to the King had been previously drawn out on parchment, having Article I in this form:—

"ART. I. That the King and Chiefs on their part agree to grant and assign unto said Commissioners, on behalf of the African race in America, the right and privilege of settling in common with the Egba people on any part of the territory belonging to Abbeokuta not otherwise occupied."

The Alake or King of Abbeokuta not being able to read or write, had the Articles of the Treaty interpreted and explained to him by the Rev. S. Crowther in the native tongue, clause by clause, while Mr. Campbell read them.

To the following clause he objected, "of settling on any part of the territory belonging to Abbeokuta not otherwise occupied," rendering the Article thus: "the right and privilege of farming in common with the Egba people, and of building their houses and residing in the town of Abbeokuta, intermingling with the population." With this impression the King as well as ourselves signed the Treaty. The Alake or King previous to marking his ✕ against his name, expressed fully his reasons for wishing that Dr. Delany, Mr. Campbell, and the settlers expected should intermingle with the Egbas at Abbeokuta, and not be separately located:—

1st. That they be under his immediate control.

2nd. That they be within the reach of his protection from the assaults of neighbouring tribes.

3rd. That they render him all assistance in protecting Abbeokuta from the Dahomians and other invaders.

4th. That the inhabitants of Abbeokuta might receive immediate advantage from their superior intelligence in agriculture and other arts and sciences.

For a further confirmation of the above statements, of which I have been an eye-witness and personally concerned in the formation of the Treaty, I would refer you to the Rev. S. Crowther at Lagos.

Hoping that this may assist you in the successful accomplishment of this noble object of the African Aid Society.

I beg, &c.

Lord A. Churchill.

SAML. CROWTHER, JUN.

(Inclosure 3.)—*Mr. Crowther to Lord A Churchill.*

MY LORD, 50, *Baker Street, Portman Square, April 18, 1861.*

THUS the above Treaty was satisfactorily made and signed by the parties concerned on the 27th December, 1859. The King and Chiefs of Abbeokuta were perfectly satisfied, confident, and assured of the sincerity of the Commissioners, from the fact, as has been afterwards expressed by them, their conviction that the introduction of anything good into the country by resident civilized coloured men could not but result from a sincere motive. Since the above date to the departure of my father and self from Abbeokuta, February, 1861, I have not heard any opinion expressed either by the King, Chiefs, or people against the Treaty, as it was understood; but, on the contrary, constant inquiries have been made after the Commissioners and their expected companions.

But, my Lord, a few days after the formation of the Treaty, and the Commissioners had quitted Abbeokuta on their way to the inland countries to complete their work with the more distant tribes, all of whom received them with open hands and great joy, Chief Ogubonna, one of the King's chief warriors, who had also signed the Treaty, called to my house, and among other conversations confidentially informed me that "jealousy" had crept into the affair, the late formation of the Treaty; that two old European missionaries residing in the town of Abbeokuta, one of whom had kindly offered his services to the King of Abbeokuta as his private Secretary, and succeeding me in that capacity—that these two missionaries, immediately after the departure of the Commissioners, had either visited himself, or sent messengers to him, the King and other Chiefs, expressing their regret, surprise, and disappointment that they were not made instrumental in introducing the Commissioners to the authorities, and attesting to their signature, and further, that they thought that they had the "right" of such a privilege; but the King and Chiefs, not seeming to notice the dispute of "right" were further taxed with the representation that the Commissioners had a hostile motive, and that one day the settlers will rise against them and take

their town from them. Although such statements from such men were calculated to alarm and rouse the timid minds of these illiterate men, yet, notwithstanding, the Chief assured me that they would take no notice of the insinuations; the Chiefs knew very well that such accounts originated from a "petty jealousy" as to who has or who has not the right of enjoying the privilege and receiving the honour of introducing authorities, took no notice of it; thus the first attempt to destroy the Treaty.

Confident as I am of my countrymen's good common sense and judgment; assured as I am of their readiness to take advice, I am not backward to affirm that this great, apparently startling contradiction is not to be looked upon as the legitimate result of any desire of the King of Abbeokuta and his Chiefs to destroy a Treaty which they themselves made and signed before competent witnesses; neither to prevent the return of coloured American settlers.

No public or private opinion was ever expressed in my hearing by the King and Chiefs against civilized coloured Americans settling, like the Sierra Leone emigrants, among them.

The facts above stated will explain at once the cause of the King's contradictory letter.

I hope, therefore, that you be not alarmed, but would advise you simply to consider the affair as a misunderstanding with the King and his Chiefs, and inclose to them the Treaty in the form I inclose you, to be explained to them through an unbiassed party, I should recommend the Rev. S. Crowther, having been the attest to the Treaty made on that occasion.

I am quite certain that the simple-minded King of Abbeokuta, with his noble Chiefs of good common sense and judgment, will, if left to themselves and made to speak for themselves, relate you a story entirely different from what has appeared in his so-called letter. I warrant from 9 years' acquaintance with the King and Chiefs of Abbeokuta, that they would grant you even more than they have been contained in this former Treaty, if desired, for the facility of the emigration of their countrymen into their motherland.

Believe me, &c.

Lord A. Churchill.

SAML. CROWTHER, JUN.

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(Inclosure 4.)—*Mr. Crowther to Lord A Churchill.*

(Extract.) 50, Baker Street, Portman Square, April 18, 1861.

As this apparent contradiction of the fact that a Treaty having been signed by the Alake, King of Abbeokuta, his Chiefs and Dr. Delany and Mr. Campbell, will, no doubt, cause you some annoyance and a difficulty in reconciling, I proceed to explain to you some important facts which might enable you to understand the whole affair fully:—

1st. The 6 names at the foot of the document should not alarm you, they are the names of Sierra Leone emigrants whom I personally know, all of whom I question rightly understand the particulars of the case; they are men who, with the right explanation given them, would any day sign another document expressing the non-objection of the Alake to allow other coloured emigrants like themselves to dwell amongst them. The points objected to by the King and Chiefs during the formation of the Treaty seemed to have been represented afresh to him with great stress in the presence of the witnesses, so as to insure the King's denial to having agreed to such conditions, and thus bring about the destruction of a Treaty that had been formed.

I could almost promise you on my return to Africa to send you a document directly opposite nature signed by the King's own hand, with the signature of the identical Sierra emigrants in question.

2ndly. Mr. D. Williams, whose name is attached, is a school-master under the Rev. H. Townsend, and copies all letters written by the above gentleman for the King. Andrew Wilhelm is the interpreter of the Rev. H. Townsend. I had been the Secretary of the King of Abbeokuta by the joint wish of the late B. Campbell, Consul of Lagos, and the Alake, or King of Abbeokuta, but in consequence of my absence from Abbeokuta I was obliged to resign the office; the Rev. H. Townsend has since acted, and on my return I had no time to reoccupy my former duties. I am, therefore, capable of giving you an idea of "the King's letters." The King receives advice from parties, chiefly the Secretary, that such and such is necessary: he replies, If you think so, write it on my behalf. The King's letter is worded and expressed and sent by the Secretary, and in many cases without a reading with the King; but the King is satisfied, he depends upon the faithfulness of his Secretary: in many cases, therefore, the Secretary broaches the idea, writes the letter, and sends it with the Alake's name. The King of Abbeokuta is a quiet docile, well-meaning man, of no literary attainment, and not a Christian, but of sound judgment.

The time that the King of Abbeokuta wrote his contradictory letter was the 4th of March, 1861, after the parties, witnesses to the Treaty, having been found had left Abbeokuta for Lagos and England the month previous.

Any more information to enlighten you on the said scheme that is going on to prevent the success of such a noble object will be most willingly given by your humble servant.

*Lord A. Churchill.*

SAML. CROWTHER, JUN.

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*No. 9.—Consul Foote to Lord J. Russell.—(Received June 12.)*  
 (Extract.) *Lagos, May 8, 1861.*

IN my despatch of April 1, I reported to your Lordship my intention of proceeding on the following day to Abbeokuta.

I accordingly left Lagos at 6 A.M. of the 2nd for the mainland. The distance from the island is not very great—about an hour's pulling. I considered it advisable before leaving to make an arrangement with the Rev. Mr. Crowther to accompany me.

I considered his services of great importance. His thorough knowledge of the people, of the language, and of the history of the country, of the wars, and the various influences which impeded or advanced the improvement of the people, weighed a good deal in my choice of a companion.

We mounted our horses on landing and struck into a narrow path, which led directly through fields of maize, cassada, and yams. The soil every instant became more consistent, the sand being mixed with red and black loam alternately. From the appearance of the root-crops and maize, I should say it was very productive. For Sea Island cotton it is the very best, and having the advantage of the sea air, so necessary for Sea Island, I should say cotton of the best quality could be produced upon it.

This beautiful and rich level country extends for about 8 leagues to the Great Forest. The forest extends from the Niger to the Ashantee country, preserving an uniform breadth of about 37 miles.

We entered the forest just as the sun became troublesome. The soil I observed to be exceedingly rich, composed of black and red loam and clay; the timber of immense size; the cotton tree predominating, but here and there I observed some gigantic hard-wood trees, including the African oak, fustic, and a tree resembling the Central American cedar, a species of bastard mahogany; also the india-rubber, and the rosewood, besides numberless others which I did not know, but I should think, from the colour and grain, they would take an excellent polish, and be considered valuable in Europe.

Of smaller shrubs, balsams, and trees producing fibre, there are several in the forest.

Here and there a small clearing had been commenced, but so great is the dread of the kidnappers of Dahomey that the people cannot live on their small farms. They merely clear and plant a small space of ground, and retire to their towns in the evening.

We passed the ruins of several small villages, the only melancholy remnants left by the kidnappers. Here and there also we saw abandoned cotton-fields, the cotton still flourishing, blossoming, and scattering its wool over the ground, for not a soul cared about gathering it.



We conversed with the villagers, and here and there with the people we observed at work. The invariable answer to our question whether they would plant cotton if they could get a ready sale for it, was, "Yes: we will make farms, we will plant anything, and live upon our farms, if you will only defend us from the kidnappers."

The African has generally the reputation of being lazy and disinclined to work, but you can scarcely credit this when you observe them planting their little plots of ground at the constant risk of their liberty, or even lives, and occasionally walking some 5 or 6 miles in the morning, and then again the same in the evening, on their way to and from their lands. I believe the African to be most partial to an agricultural life, and that he merely wants that security which is essential to his pursuits in order to render him active and industrious.

Passing the belt of forest, we entered upon a grassy prairie interspersed with what are called timbers in North America; the soil still magnificent: and as we neared Abbeokuta, the villages and farms became more plentiful. I observed several fields of the *beni* plant, and most carefully cultivated. In fact all the fields were in a high state of cultivation, which is another proof of the industry of the natives when we consider the rude implements used by them.

On the 4th, when we had arrived within about 8 miles of Abbeokuta, we met an escort of horsemen and the King's herald. He presented the King's staff to welcome me, and immediately afterwards we proceeded on our journey, our escort gradually increasing as we neared the city. They were all armed, and, according to their custom, they fired off their guns at intervals, flourished their spears, and dashed off to the right and left at full speed, then returned and fell in the rear. In this manner we passed the city gates and through the town until we arrived at the King's palace.

On the following day I visited the King, and I must say my reception was most cordial. I had always heard that the friendship of the Egbas towards the English was most cordial, but I was really not prepared to find that this, I may call it affection, for us, was so general. From the poorest labourer to the most powerful Chief, this good feeling and perfect confidence in us seem a part of their nature; and I can only attribute this to the influence of the missionaries, in the first place, and secondly, to the fact that many leading and influential men now resident at Abbeokuta have been rescued from slavery by our cruizers.

The missionary schools are also slowly, but surely, working a great change in the character of the African.

Several of the Kings and Chiefs of the neighbourhood, and a

few from the far interior, have sent their children to be educated by the English missionaries.

The King appointed a special day for a palaver. There is one feature in the mode of government of Abbeokuta which, being distinct from all the other native Governments, should be generally known, and that is, the inability of the King (Alake) to act in any matter affecting the interests of his country without the consent of his Councillors or Elders.

No act of any kind, no grants of privileges, no Treaties with foreign nations or with individuals, are binding without the consent of the Elders and Chiefs in Council. The Alake or King is merely a President, and the country of the Egbas a Republic.

Hence the alleged Treaty with Messrs. Campbell and Delany has been denied. The Alake denies it, and the Chiefs and Elders knew nothing about it.

I alluded in the presence of the Alake and Elders to the wish of Her Majesty's Government to encourage agriculture, and particularly the cultivation of cotton, and that this great object could be easily carried out by the encouragement of emigrants skilled in cotton cultivation.

They answered, "that the Egbas will willingly receive any emigrants sent by the English Government, but not under any other circumstances. What the English Government wishes, the Egbas will do."

The city of Abbeokuta, which has been so often described in such glowing colours, does not even approach the idea entertained in England of its magnitude. The wall is so low and the ditch so shallow that a good horseman could ride over any part of it. Within the walls you have to ride an immense distance before you come to a collection of houses, and those upon a nearer approach are mere clusters of mud huts, the outer walls being scarcely 6 feet high, built without any regularity, the streets crooked and most filthy and broken into sundry little ravines. In fact, neither in population, in appearance, nor in importance, does Abbeokuta approach the descriptions we have received of it. I have ridden on horseback through and around it, and cannot believe that the population can exceed 60,000, and these do not reside in a compact mass of houses, but in small detached towns situated about a mile or two apart. All are of the most wretched miserable description. The doorway of the King's palace is even so low that I was obliged to stoop upon entering it.

Lagos is the port of Abbeokuta; the trade of Abbeokuta itself is not great, it is merely one of the little streams which serve to swell our yearly exports from Lagos.

I remained at Abbeokuta till the 17th, so that I had ample time

to make myself thoroughly acquainted not only with the people but also with the trade and its political condition.

I left Abbeokuta on the 17th, and returned to Lagos by the River Ogun. I embarked in a small canoe, and reached Lagos in about 36 hours, including a stoppage of 9 hours.

From Abbeokuta almost to Lagos the river bank is highly cultivated, and I am told that the fields extend several miles back; the only break I saw was when the forest commenced, and even there several clearings were observed. The people living on the banks of the Ogun told us that since the English took Lagos the kidnappers had not troubled them.

The same timber I observed on the land route I saw here in abundance. I could not help thinking of the fortunes which lay buried in the woods; such magnificent trees on the very banks of the river within a day's journey of Lagos. The river itself is capitally adapted for floating timber, being almost free of obstructions; the logs could be squared on the spot, and rafted out to the ships at anchor in the roadstead.

Respecting our hopes of obtaining a supply of cotton from Abbeokuta, I find the only difficulty in the way is the dread entertained of the kidnappers of the King of Dahomey. The soil and climate are most favourable, the people industrious, lands easily obtainable and in abundance, together with easy transport by the Ogun river; these embody all the requisites but one, and that is, security; and whilst the King of Dahomey exists as the ruler of his country this insecurity will continue. The King of Dahomey must comply with the custom—he must sacrifice a certain number of people yearly; thus, independently of his naturally bloodthirsty disposition, he is obliged by the laws of his country to comply with the customs. His naturally vicious and depraved character, encouraged by the slave-dealers, causes him to laugh at any proposals from us; his last threat was, that the first Englishman or Frenchman he caught he would shave his head and make him carry the hammock of his principal adviser, the celebrated slave-dealer Domingo Martinez. Martinez has gained his influence over the King by his yearly present of some thousands of silver dollars; he also acts as the slave-factor of the King.

If the Egbas could make themselves masters of the country, the whole of the petty Chiefs of the coast would rejoice at their occupation; and certainly the great object we have in view, viz., the abolition of slavery, would be finally secured if our friends the Egbas did extend their possessions to the coast, including Whydah and the other Dahomian slave-trading ports.

*Edw. J. Russell.*

HENRY GRANT FOOTE.

*No. 10.—Consul Foote to Lord J. Russell.—(Received June 12.)*  
(Extract.) *Lagos, May 8, 1861.*

THE Alake of Abbeokuta having called the Elders together in secret council, I proceeded to the King's palace, and aided by the Rev. Mr. Crowther, who acted as interpreter, I held a lengthy conversation with them upon all the subjects of interest to us.

I laid before them, in as clear a manner as I could, the wishes of our Government in respect to the cultivation of cotton, the encouragement of trade, and of useful and respectable emigrants.

I also recited their own history from the commencement of their intercourse with us, alluding also to the numbers of their countrymen who were now prosperous and happy at Abbeokuta, but who might have been toiling as slaves on the Cuban plantations to this day, had not the English cruisers liberated them.

They resolved to open their roads and the river again to trade on the 21st of May.

*Lord J. Russell.*

HENRY GRANT FOOTE.

*No. 12.—Acting Consul McCookry to Lord J. Russell.—(Rec. July 11.)*  
(Extract.) *Lagos June 5, 1861.*

I HAVE the honour to inform you that, having directed inquiry into the subject to which Lord Wodehouse refers in his despatch of the 23rd of April last, I am convinced that the Treaty between the Commissioners on behalf of free emigrants from America, and the Alake and Chiefs of Abbeokuta, was duly signed by the latter. The Alake signed the Treaty in daylight, in the presence of his Elders and messengers from the Chiefs. The Chiefs signed the Treaty separately, as it was presented to them, not publicly in a body.

The meaning of each clause of the Treaty was explained to the Alake and Chiefs by the Rev. S. Crowther before they signed, the construction of Article I being, that the immigrants should live in the town, and not in the country outside the walls.

There can be no doubt that the subsequent denial of the Treaty by the Alake and Chiefs was the effect of arguments used to them by residents there opposed to the scheme. The Republic of Liberia was held out as the result of a similar system of emigration from America. It was represented that the immigrants would erect forts, and, opportunity offered, they would drive the natives from the country and take possession of the soil.

I am of opinion that, now, as the suspicions of the natives have been aroused, the scheme would be more likely to succeed were the emigrants to put themselves under the protection of some Government known to the people of Abbeokuta, who would then have less fear of intrusion on their territorial rights and privileges, and all

matters of dispute could be settled by the Representative of that Government and the Alake and Chiefs.

In conclusion, I would observe that, whatever the Treaty may be worth, there can be no doubt that it was signed by the Alake and Chiefs, with the knowledge of all who could claim any right to know, and that a copy of that Treaty was left with the Alake; that there was no secrecy in the matter; and that it was not until a powerful opposition influence had been brought to bear upon the Alake and Chiefs that the Treaty was denied.

*Lord J. Russell.*

W. McCOSKRY.

*No. 15. Lord J. Russell to Acting Consul McCoskry.*

SIR,

*Foreign Office, July 23, 1861.*

WITH reference to your despatch of the 5th ultimo, I transmit herewith, for your information, a copy of a letter which, by my directions, has been addressed to Lord Alfred Churchill, the Chairman of the Committee of the African Aid Society, relative to the Treaty or Agreement stated to have been signed by the Alake and Chiefs of Abbeokuta with Messrs. Campbell and Delany, the Commissioners on behalf of the free black emigrants from America, granting to these latter permission to settle on the unoccupied lands belonging to the Abbeokutans.

I also inclose a copy of a letter which I have received from the African Aid Society, together with a list, giving the particulars of a number of emigrants who are desirous of proceeding to Africa under the auspices of the Society; and I have to desire that, in conformity with what I have stated to Lord Alfred Churchill, you will afford these emigrants the benefit of your advice and assistance in the event of their proceeding to Lagos.

I am, &c.

*W. McCoskry, Esq.*

J. RUSSELL.

*(Inclosure.)—Lord Wodehouse to Lord A. Churchill.*

MY LORD,

*Foreign Office, July 22, 1861.*

WITH reference to my letter of the 15th of April last, I am directed by Lord John Russell to transmit to you, for the information of the Committee of the African Aid Society, the accompanying copy of a despatch from Mr. McCoskry, the Acting British Consul at Lagos, reporting the result of inquiries made by him in regard to the alleged denial on the part of the Alake and Chiefs of Abbeokuta, that they had signed a Treaty with the Commissioners on behalf of the American blacks, granting permission to them to settle on the unoccupied lands belonging to the Abbeokutans.

Mr. McCoskry, you will perceive, appears to be convinced that the Alake and Chiefs of Abbeokuta did actually sign a Treaty or

Agreement with Messrs. Delany and Campbell on behalf of the black emigrants of America, but he believes that they were subsequently induced to deny that they had done so by the arguments of persons opposed to the scheme.

Mr. Foote, Her Majesty's late Consul at Lagos, on the other hand, would seem, as will be seen by the accompanying extract of a private letter from him, to have been of opinion that the grants to Messrs. Delany and Campbell had no validity whatever.

However this may be, Lord J. Russell desires me to state that he is of opinion that it would be unwise to attempt to procure for the American emigrants territorial rights or privileges which might hereafter lead to disputes, and rouse the jealousy of the Chiefs and people of Abbeokuta, and his Lordship would therefore recommend that before any considerable number of emigrant negroes are sent to Lagos precise information should be procured as to the terms on which such emigrants will be received at Abbeokuta.

I am, however, to add, that his Lordship will transmit to Mr. McCoskry the list which accompanied your letter of the 12th ultimo, of emigrants who are desirous of proceeding to Africa under the auspices of the African Aid Society, and will instruct him to afford them the benefit of his advice and assistance in the event of their proceeding to Lagos.

I am, &c.

Lord A. Churchill.

WODEHOUSE.

*No. 18.—Earl Russell to Acting Consul McCoskry.*

(Extract.)

*Foreign Office, August 20, 1861.*

I HAVE received your despatch of the 4th ultimo, reporting that at your suggestion, Captain Jones was about to proceed to Ibadan and Oyo, to endeavour to bring about a cessation of hostilities between Abbeokuta and Ibadan.

You should lose no opportunity of impressing, not only on the Alake and Chiefs of Abbeokuta, but also on the other Chiefs in the Yoruba country, that Her Majesty's Government have no favour or predilection for one tribe more than another; that they will judge of the Chiefs by their acts, and will consider as friends, and support by their influence as far as possible, those men who give up the Slave Trade, and by living at peace with their neighbours, encourage legitimate trade, and develop the resources of their country.

If Her Majesty's Government have hitherto afforded their countenance and support to the Abbeokutans, it has been because they professed to set themselves against the Slave Trade, to encourage civilization, and, by following peaceful pursuits, to afford a good example to their neighbours; but if the Chiefs of Abbeokuta now continue to wage wars, and refuse to listen to the advice and sug-

gestions of the British officers who have spoken to them in the name of Her Majesty's Government, and have endeavoured to bring about a peaceable settlement of their differences with their neighbours, you should give them distinctly to understand that they will forfeit the friendship and goodwill of the British Government.

It is only by degrees that we can hope to bring sufficient influence to bear upon the Chiefs in the Yoruba country to convince them that their interests will be best consulted by giving up wars and pursuing a policy of peace, but Her Majesty's Government are sanguine that this object may be attained by pursuing a firm but conciliatory policy towards them.

*W. McCoskry, Esq.*

RUSSELL

*No. 23.—Earl Russell to Acting Consul McCoskry.*

SIR,

*Foreign Office, November 28, 1861*

I HAVE received your despatch of the 4th ultimo, reporting that the Chiefs of Abbeokuta have on every occasion refused our proffered mediation to bring about a settlement of their differences with the Ibadans, and suggesting that the most effective way to compel the two parties to come to terms would be by putting a stop to their supplies of ammunition, a measure which you state could be easily effected.

I have, in reply, to desire that you will lose no opportunity of impressing upon the Alake and Chiefs of Abbeokuta that they will infallibly lose the friendship and protection of Her Majesty's Government if they persist in their hostilities against the Ibadans and refuse to listen to the peaceful counsels of Her Majesty's Agents.

The Governor of Lagos will proceed to his post by the packet of the 23rd of December, and if the Abbeokutans should not on his arrival have come to some arrangement for restoring peace to the Yoruba country, the Governor will be directed to take such measures as may be practicable for cutting off the supplies of ammunition to the belligerents.

I am, &c.

*W. McCoskry, Esq.*

RUSSELL.

#### SHEBBRO RIVER.

*No. 36.—Consul-General Hill to Earl Russell.—(Rec. Nov. 11.)*

MY LORD, *Government House, Sierra Leone, October 21, 1861.*

I HAVE the honour to transmit, for your Lordship's information, a copy of a despatch to his Grace the Duke of Newcastle relative to the colony of Liberia.

I have, &c.

*Earl Russell.*

STEPHEN J. HILL.



(Inclosure 1)—Governor Hill to the Duke of Newcastle.

(Extract.) Government House, Sierra Leone, October 21, 1861.

I HAVE the honour to transmit, for your Grace's information, the report of Commander Smith, with inclosures from the Secretary of State of Liberia, relative to an engagement between a Spanish gun-boat and the schooner *Quail* and batteries at Monrovia.

It would appear that nothing further has, since that untoward event, occurred of a hostile character on the part of Spain, but the Monrovia are building batteries and mounting guns, fearing an attack from a Spanish squadron.

It is not so stated, but there can be no doubt that the circumstances which produced this misunderstanding between the Governments of Spain and Liberia are the same already reported by me, relative to the Spanish slaver first taken possession of at the Gallinas by the Commander of the Liberian vessel of war *Quail*, and afterwards burned by Commander Smith, of Her Majesty's steam-sloop *Torch*.

It may be a question, the right exercised by the Commander of the *Quail* to seize a Spanish vessel at the Gallinas, but nothing, I apprehend, could justify the destruction of Monrovia, without first allowing the Liberian Government an opportunity to explain the grounds on which their officer acted, or to offer compensation in case they did not approve of his conduct.

The proceedings of the Spanish gun-boat in making what was understood to be a friendly visit, and, without any communication on the subject of the cause of quarrel, firing on the *Quail*, is, I believe, an act without precedent in civilized warfare.

*The Duke of Newcastle.*

STEPHEN J. HILL.

(Inclosure 2.)—Commander Smith to Governor Hill.

SIR, Torch, Sierra Leone, October 20, 1861.

IN compliance with your Excellency's request, I have visited Monrovia and had an interview with the President of Liberia.

I inclose a copy of a letter addressed to me from the Secretary of State, also the documents referred to therein.

Should your Excellency deem it advisable that one of Her Majesty's ships should proceed to Monrovia, I will send instructions to Commander Hencage, of Her Majesty's ship *Falcon*, to proceed there at once, or go there myself as soon as practicable.

I have, &c.

*S. J. Hill, Esq.*

F. H. SMITH.

(Inclosure 3.)—Mr. Lewis to Commander Smith.

(Extract.) Department of State, Monrovia, October 18, 1861.

THE President has directed me to convey to you his high ap-

preciation of the communication which you made to him to-day, from his Excellency the Governor of Sierra Leone; and to express to you the satisfaction he had with you on the occasion of your visit.

The President is fully sensible of the importance which is to be attached to the interest manifested by his Excellency the Governor for the welfare of Liberia; and he has directed me to transmit to you for the information of his Excellency, copies of depositions and other documents referring to the extraordinary aggression in this port upon the Liberian Government schooner *Quail*, by a Spanish war-steamer on the morning of the 11th September.

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(*Inclosure 4.*)—*Lieutenant Benedict to the President of Liberia.*

SIR,

*Quail, off Monrovia, September 14, 1861.*

I HAVE the honour to report to your Excellency, that on Wednesday, the 11th instant, there came to an anchor off this place, a steam-vessel wearing the ensign of a Spanish man-of-war; I immediately, after anchoring, called away my boat and directed Mr. Carney, my second officer, to board her, inquire her name, that of her captain, her wherefrom, whereabouts, and general news, as you will see from the report of Mr. Carney which I have the honour herewith to annex.

Having no suspicion of any intention on the part of the Spanish war-vessel to enter into hostilities with us, I was busy with my men in fishing an anchor from which we had parted our cable a few days previous: we were all busily engaged in doing so when my notice was called by one of my men to his getting under way; this I thought nothing of, as he had come to very near our vessel, but merely thought that he intended only to move a little further off, as the swinging of the vessels might bring them in contact with each other. He stood out about 3 or 4 miles, and directed his vessel again for the harbour, ran in, rounded the stern of the American barque *Edward*, under charter from The United States, by Messrs. Johnson, Turpin, and Dunbar, merchants of this place, stood up between the *Edward* and myself, and when opposite me, so that his guns would bear, opened fire upon me, throwing first grape, and next grape and round-shot: he happily, however, injured no one on board. Several of the grape struck the schooner, but did no serious damage to her; our bowsprit was struck by the round-shot, which carried away our fore-topmast and flying jib-stays, and bowsprit stays. As soon after his first fire as I could I piped all hands to quarters and succeeded in repulsing the aggression, and drove him off with an impression in his stern and quarters which

will indelibly mark upon his mind the remembrance of the Liberian schooner *Quail*.

I have, &c.

*The President of Liberia.*

JAMES LIBERIA BENEDICT.

(*Inclosure 5.*)—*Acting Lieutenant Carney to Lieutenant Benedict.*  
*Sir,* *Quail, off Monrovia, September 11, 1861.*

I HAVE the honour to report that, in accordance with your orders, I boarded the Spanish steam-vessel of war, requested her name, and that of her Captain; to which they replied that "she was a Spanish man-of-war, that she was just from Sierra Leone, came to see the President, and would likely remain here for two or three days, and inquired the best place for landing," &c.

The Commander made the impression upon my mind that his visit was a friendly one.

I have, &c.

*Lieutenant Benedict.*

MINGO CARNEY.

## BRAZIL.

*No. 40.—Lord J. Russell to Mr. Christie.*

*Sir,*

*Foreign Office, February 8, 1861.*

I HAVE received your despatch of the 20th of December last, suggesting that you should be authorized to apply to the Brazilian Government for a detailed list of the free blacks who have been handed over by the Mixed Commission Court to the care of the Brazilian authorities, specifying what has become of them, whether dead, emancipated, or still in service, with a view to a demand being made by Her Majesty's Government for the emancipation of all those negroes who have served beyond the term of apprenticeship prescribed by the Brazilian laws.

I have, in reply, to acquaint you that I approve of your making a communication to the Brazilian Government in the sense suggested by you, and in doing so you will at the same time state that, inasmuch as it was under the authority of a joint British and Brazilian Commission that these blacks were emancipated, Her Majesty's Government feel that they are entitled to ask for this information respecting them, and are bound to look to their welfare; and you will add, that Her Majesty's Government do not doubt that the same good faith which the Government of Brazil has evinced in putting a stop to the African Slave Trade will equally lead them to render justice to the unfortunate victims of this traffic by restoring them to the full amount of liberty to which they are entitled.

I think it right to observe, for your information and guidance,

that, as the Government of Brazil has of late acted in perfect good faith in regard to the suppression of the trade in slaves between Africa and Brazil, it would be advisable, in any communications which you may have on this question of the emancipated negroes, to avoid, as much as possible, any discussions which may tend to continue the feeling of irritation which has so long existed in the public mind in Brazil against this country in connection with the Slave Trade.

I am, &c.

W. D. Christie, Esq.

J. RUSSELL.

No. 43.—*Mr. Christie to Lord J. Russell.*—(Received March 9.)

MY LORD,

*Rio de Janeiro, February 4, 1861.*

I HAVE the honour to inclose translations of two extracts from the last annual report of the Minister of Finance, which refer to slaves.

The first passage denounces frauds practised in the sale of slaves to elude a tax on sales.

The second speaks of the slaves belonging to the nation, and describes their labour as excessively unproductive. It appears from this passage, and from the Table No. 46 annexed to the report, that the Brazilian nation is the owner of 1,476 slaves, men, women, and children; of whom 763 are males, and 713 females.

I have, &c.

Lord J. Russell.

W. D. CHRISTIE.

(Inclosure.)—*Extracts from the Report presented by the Minister of Finance to the Brazilian General Legislative Assembly, on the 8th May, 1860.* (Translation.)

(Page 9.)—THE half tax on slaves is, as one of my predecessors has shown, constantly eluded.

This tax, as general revenue, being limited to the municipality of this city, the special Legislation of the Province of Rio de Janeiro, which established a fixed tax of 40 milreis (or 4l. 10s.) in substitution of 5 per cent. on the value for purchase and sale of such property, furnishes speculators with a sure means of fraud.

From the circumstance that this tax is due by the act of transferring the property in the place where the contract is made, the contracts falsely purport to be made in some distant part of the same province, and as the provincial tax is, on the average, less than the general tax of 40 milreis, the infallible result is successful fraud.

It appears incredible; but the registers of the income of the municipality of this city show that the maximum of the number of slaves sold during the financial years 1848–58 did not exceed 126;

the number sold last year was 113, and in the first six months of the present year 62.

Speculators avail themselves of two other means of eluding the half tax :

1st. By obtaining a written order to sell the slave.

2ndly. By the use of printed papers of purchase and sale with blanks for the name of the purchaser, the price, the date and place of sale, which pass from hand to hand. The latter is the most frequent proceeding, because there are many persons who will not lend themselves to the first. They then, in either case, in order to obtain the cancelling of the entry in the register, petition the police for a passport to the interior of the province of Rio de Janeiro, or to St. Paul's, or to Minas Geraes, or any other central province.

If the slave be sold to leave the city, they have only to fill up the paper which has to pay the half tax in the province ; if the slave be again sold to return to the city, he figures as having come from places out of the municipality, or from the parishes of the interior with passes signed by the inspectors of wards, and countersigned by sub-delegates, and with this new paper of sale signed by themselves the half tax is paid, and it is registered in the receiving office.

(Page 37.)—**NATIONAL ESTATES AND SLAVES.**—The number of national slaves existing in different estates or establishments, according to the table annexed to this report, No. 46, amounts to 1,476. On comparing this number with that presented in the report of my predecessor, a difference of 21 less will be observed. The reasons for this difference cannot be ascertained from the data which the Treasury has at command.

Letters of emancipation have been granted to 21 who solicited them, but it does not appear that more than three have entered on the enjoyment of their freedom.

On the different estates in Pará the number is 127, on those of Maranhão 125, and on those of Piauí about 807.

It is incontestable that the management of these estates does not require so great a number of labourers, and that the expense incurred in keeping them must be excessive.

The gross receipts of the Piauí estates were in the financial year 1858-59, 3,931*l.* 10*s.* 4*d.*, which, distributed among 807 slaves, gives a result of nearly 4*l.* 17*s.* 5*d.* per annum for each slave, which is but little more than the monthly wages of a slave ! And from this sum no deduction was made for rent, nor for increase of cattle, whatever be the period to be calculated.

The receipts of the Pará estates during the same financial year amounted to 3,126*l.* 15*s.* 3*d.*, which, distributed among 127 slaves, gives the annual sum of 24*l.* 12*s.* 3*d.* for each slave.

It appears to me that it would be proper, after fixing the

number of cattle-keepers and drovers who may be necessary upon each estate, to apply the remainder to agriculture on suitable lands, to be furnished to them, on such a plan as may enable them, within a certain space of time, not only to provide for themselves, but also to pay the value of the land granted to each of them, and the expenses of establishing and maintaining them.

By this means not only should we prevent idleness and employment of the slaves in private works; but their morals would be improved, on account of the flattering future thus opened to them.

The estates themselves would be more lucrative, and the partial sale of them would be very useful to the State.

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*No. 44.—Mr. Christie to Lord J. Russell.—(Received March 9.)*

MY LORD,

*Rio de Janeiro, February 4, 1861.*

I HAVE the honour to inclose a translation of part of a speech made in the Chamber of Deputies during the last session by the Minister of Justice, on the subject of the free Africans who have been consigned to the Brazilian Government by the Slave Trade Mixed Commission.

Your Lordship will see that the Minister of Justice announces that the Council of State had, on his application, interpreted the Decree of December, 1853, in such a manner as to extend its benefits to free Africans employed in Government establishments. Your Lordship is aware that Mr. Howard strongly remonstrated at the time against that decree, as enabling only such of the free Africans as served private individuals to obtain emancipation after 14 years' service.

This speech of the Minister of Justice escaped my attention at the time; and on lately becoming acquainted with it, I have addressed a note to Senhor Sinimbú, of which I inclose a copy, stating that Her Majesty's Government would be glad to receive an authentic communication of the interpretation lately put upon this decree by the Council of State, and further informing him that Her Majesty's Government feel a deep interest, as in duty bound, in the condition of all these free Africans.

I am happy to be able to state that the Minister of Justice is giving some effect to the new interpretation of the decree, and that generally he is granting more letters of emancipation. During the whole of the 12 months from April 30, 1859, to May 1, 1860, letters of emancipation were granted only to 38. I have been furnished with a list of such letters granted from December 28, 1859, to July 17, 1860, less than 8 months. The total number is 64, of which 39 are for blacks employed in Government establishments.

I have, &c.

*Lord J. Russell.*

W. D. CHRISTIE.

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(Inclosure 1.)—*Speech of the Minister of Justice in the Chamber of Deputies, 21st of July, 1860.*

(Extract.)

(Translation.)

THE noble Deputy for the province of Bahia, who last spoke, called the attention of the Government to the subject of the free Africans, whom he considers to be in fact slaves, who have been delivered to crafty contractors, when the Government ought to hasten to grant them letters of emancipation. This subject is regulated by laws and decrees of the Government. The law expressly forbids the delivery to private individuals of the free Africans who have been captured; and I can assure the noble Deputy that this provision has been religiously observed.

During my administration, and I think I can also assure the noble Deputy that under those of the other Ministers since the promulgation of the law to which I refer, the services of no free Africans have been granted to private individuals.

The crafty contractors have not profited by this advantage; on the contrary, many free Africans, whose services had been conceded to private persons previous to the law of 1850, have returned to the public establishments. Many others have obtained letters of emancipation.

This benefit, however, could not be complete. I felt myself in some way prevented from granting such letters to the free Africans in the public establishments, because the decree which authorizes the Government to grant letters of emancipation to the Africans who have served above 14 years has reference to those who were confided to private individuals.

Notwithstanding, as it appeared to me hard that the Africans in the public establishments should be kept in a worse condition, I do not say than those who were confided to private persons, but also that the actual slaves who cannot look forward to any particular period for emancipation, I thought proper to consult the section of Justice of the Council of State, and in conformity with its opinion the Government has given a larger and more benevolent interpretation to the decree in favour of liberty.

Since that time I have ordered many letters of emancipation to be granted to Africans employed in public establishments, who were until then deprived of the enjoyment of this benefit. I have proceeded gradually, preferring the most meritorious, and those who have served longest; and I have ordered a clause to be inserted in all the letters of emancipation, that they are to reside in certain agricultural districts.

It does not appear to me convenient that they should reside in the city, for more than one reason.

The noble Deputy will, therefore, see that this subject has not



escaped the attention of the Government; that something more has been done than heretofore for the benefit of this class of individuals.

(*Inclosure 2.*)—*Mr. Christie to Senhor Sinimbú.*

M. LE MINISTRE,

*Petropolis, January 10, 1861.*

HIS Excellency the Minister of Justice is reported to have said, in a speech delivered on the 21st of July of last year in the Chamber of Deputies, that the Council of State had, on his application, given a larger and more benevolent interpretation to the Decree of December 28, 1853,\* so as to facilitate the granting of letters of emancipation to free Africans employed in Government establishments, and that he had since given many such letters to such free Africans, and would continue in the same course.

Your Excellency is aware of the interest felt by Her Majesty's Government in these free Africans, and, indeed, of the Treaty stipulations relating to them, which confer rights and impose obligations on both Governments; and your Excellency is also doubtless aware of the former correspondence between this Legation and the Imperial Ministry for Foreign Affairs, on the subject of the Decree of December, 1853. Your Excellency will not, therefore, be surprised to hear from me that it would be satisfactory to Her Majesty's Government to receive authentic information of the amelioration, in practice, of a decree which it has considered to be in several respects defective and objectionable; and I would observe generally that Her Majesty's Government, as in duty bound, feel the utmost interest in the condition and treatment of the Africans rescued by British cruizers, and assigned by a Mixed British and Brazilian Commission to the Imperial Government, to be employed as servants or free labourers, the Brazilian Government guaranteeing to Her Majesty's Government their liberty. I avail, &c.

*Senhor Sinimbú.*

W. D. CHRISTIE.

*No. 45.—Lord J. Russell to Mr. Christie.*

SIR,

*Foreign Office, April 8, 1861.*

WITH reference to your despatch of the 4th of February last, I have to acquaint you that I approve the note which you addressed to the Brazilian Government on the 10th of January, requesting explanations in regard to the interpretation lately put by the Brazilian authorities upon the Decree of the 28th December, 1853, with the view to facilitate the granting of letters of emancipation to free Africans employed in Government establishments.

I am, &c.

*W. D. Christie, Esq.*

J. RUSSELL.

*No. 46 — Mr. Christie to Lord J. Russell. — (Received April 22.)*

MY LORD,

*Rio de Janeiro, March 23, 1861.*

WITH reference to my despatch of February 4, in which I inclosed a copy of a note to Senhor Sinimbú, asking for information as to recent proceedings of the Minister of Justice about the free blacks consigned to the care of the Brazilian Government, I have the honour to inclose translation of a note from Senhor Sinimbú, written just before he left office, the contents and tone of which are satisfactory.

Senhor Sinimbú states in this note :

1st. That the Minister of Justice has lately been granting letters of emancipation to these blacks in larger numbers ; which is true.

2ndly. That orders have been given to the Chief of Police and Director of the House of Correction, not to return any of these blacks from custody to the parties to whom they have been let out, if it shall be found that they have completed the prescribed term of service, but to hold them, in such case, at the disposal of the Minister of Justice, who will see to granting them letters of emancipation.

3rdly. That orders have been given to the Judge of Orphans to furnish the Minister of Justice with a list of the first instalment of Africans freed by the Mixed Commission and distributed by the Brazilian Government, with a view to the complete emancipation of all who remain in service.

Having received about the same time, the inclosed note of Senhor Sinimbú and your Lordship's despatch of February 8, instructing me to ask the Brazilian Government for a list of the free blacks who have been consigned to them, I have acknowledged Senhor Sinimbú's communication and fulfilled your Lordship's instruction in one and the same note, addressed to Senhor Paranhos, of which I inclose a copy, and the tone of which I hope your Lordship will find in accordance with your wishes.

I have, &c

*Lord J. Russell.*

W. D. CHRISTIE.

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*(Inclosure 1.) — Senhor Sinimbú to Mr. Christie.*

*(Translation.) Foreign Office, Rio de Janeiro, February 28, 1861.*

THE Undersigned, &c., has the honour to inform Mr. Christie, &c., that the Imperial Government, desirous, as it always has been, to place the free Africans in a more advantageous position, has promoted, and continues to promote on a larger scale, the emancipation of those who, having completed the term of service fixed in the Decree of the 28th of December, 1853, are entitled to the full enjoyment of their liberty.

With a view to giving larger effect to the liberal principles followed in this matter by the Imperial Government, the Ministry of Justice has given orders to the Chief of Police and to the Director of the House of Correction, not to restore those free Africans who have completed the time of their servitude, and who for any reason whatever may have been sent to the establishments under the control of those authorities, to the persons to whom they had been hired out, but to keep them at the disposal of that Ministry to whom they are to report, in order that letters of emancipation may be granted them.

And in order that this measure may be generally extended to all who are entitled to it, the same Ministry has ordered the Judge of the Orphans' Court to furnish a list of all the free Africans who were first captured and adjudicated as such by the Mixed Brazilian and English Commission, and who were distributed for service.

The Undersigned has the satisfaction to assure Mr. Christie that the Imperial Government in the performance of its duty, moved by its own sentiments of justice, will do all it can within the sphere of its attributions to better the condition of these Africans by promoting their emancipation and the most suitable measures for procuring useful and profitable employment for them.

The Undersigned, &c.

JOAO LINS VIEIRA CANSANCAO DE SINIMBU.

*W. D. Christie, Esq.*

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(Inclosure 2.)—*Mr. Christie to Senhor Paranhos.*

M. LE MINISTRE,

*Petropolis, March 18, 1861.*

I HAVE the honour to acknowledge to your Excellency the receipt of a note from your predecessor dated February 28, a few days before his retirement from office, giving me information of recent proceedings of the late Minister of Justice with reference to free blacks consigned to the care of the Brazilian Government by the Anglo-Brazilian Mixed Commission formerly sitting in Rio, which will be received by Her Majesty's Government with interest and satisfaction.

I have been instructed by Her Majesty's Government to request the Government of the Emperor to furnish it with a list of the free blacks who were handed over by the Mixed Commission to the care of the Brazilian authorities, specifying what has become of them, whether dead, emancipated, or still in service; and I have been further instructed to state that as it was under the authority of a joint British and Brazilian Commission that these blacks were emancipated, Her Majesty's Government feel that they are entitled to ask for this information respecting them, and are bound to look to their welfare.

I have also been instructed to say that Her Majesty's Government do not doubt, that the same good faith which the Government of Brazil have evinced in putting a stop to the African Slave Trade, will equally lead them to render justice to the unfortunate victims of this traffic by restoring them to the full liberty to which they are entitled.

The instructions which I thus fulfil were necessarily sent me without knowledge or expectation of Senhor Sinimbu's note of February 28. This note, when known by Her Majesty's Government, will confirm their confidence in the intentions of the Government of Brazil and their expectation of a ready compliance with the request which I have been instructed to make.

I avail, &c.

Senhor Paranhos.

W. D. CHRISTIE.

*No. 47.—Lord J. Russell to Mr. Christie.*

SIR,

*Foreign Office, April 29, 1861.*

WITH reference to your despatch of the 23rd ultimo, I have to acquaint you that I approve the note addressed by you to Senhor Paranhos on the 18th of March, relative to the free blacks consigned to the care of the Brazilian Government.

I have further to instruct you to express to Senhor Paranhos the satisfaction with which Her Majesty's Government have received the assurances regarding these blacks which are conveyed in the note addressed to you by Senhor Sinimbu on the 28th of February last, a copy of which is inclosed in your despatch above referred to

I am, &c.

W. D. Christie, Esq.

J. RUSSELL.

*No. 48.—Mr. Christie to Lord J. Russell.—(Received July 4.)*  
(Extract.)

*Rio de Janeiro, May 27, 1861.*

WITH reference to my despatch of March 23, inclosing a copy of the note in which, in compliance with your Lordship's instructions, I requested the Minister for Foreign Affairs to furnish me with a list of the free Africans delivered to the care of the Brazilian Government by the Mixed Slave Trade Commission of Rio de Janeiro, I have the honour to state that though I have not received an official answer to my note, I have reason to believe that some endeavours are being made to prepare such a list.

I have had a conversation with Senhor Paranhos on this subject, which confirms fears that various circumstances had already suggested to me, that the Government will have great difficulty in furnishing the list required.

Senhor Paranhos did not disguise from me that the registers of these free Africans in the Government offices were incomplete, and,

as I understood him, even wanting for the first years. This, of course, itself is a direlection of duty on the part of the Brazilian Government, which they will be loth officially to avow. The want of proper information in the Government offices of Rio has been made pretty clear by the difficulty which I have experienced in obtaining complete information about the free Africans of the Ypanema establishment, about whom I have been in communication with the Government during 10 months, and I am yet without the desired information.

It is also generally believed, and I fear with truth, that in former years many free Africans let out to private individuals have been sold as slaves by their masters, and that there are high personages who have been guilty of this offence.

The whole correspondence on this subject, of which I gave summaries in my despatch of May 17 of last year, and in a memorandum inclosed in my despatch of the 27th of August last, shows such a degree of unwillingness to supply information and admit interference which Her Majesty's Government have clearly a right to claim, as I think can be explained only by the existence of some strong motive which cannot be avowed. The last note which I received from Senhor Sinimbú, and a copy of which was inclosed in my despatch of the 23rd of March, though extremely courteous in tone, is written in the old style of claiming for the Brazilian Government the best intentions, though their action has been obviously unsatisfactory, and declaring that their own sentiments of justice lead them to do all which Her Majesty's Government desire, and which obviously they have long neglected to do.

In my conversations with Senhor Paranhos and with the present Minister for Foreign Affairs, I have held this language: that Her Majesty's Government wish this question settled, and see no reason why it should not be settled as they wish, amicably and amiably; that the object of the list which has been asked for is the complete emancipation of all those free Africans now serving the Brazilian Government or private individuals, every one of whom must now have served more than 14 years, the term of service prescribed by Brazilian laws; that Her Majesty's Government give full praise to the proceedings of the Brazilian Government which have extinguished the Slave Trade, and will be equally ready to praise them for a settlement of this question, such as is required by Treaty obligations and by humanity; that Her Majesty's Government have the greatest desire to avoid angry correspondence, and that no good object can be gained by opening old sores and raking up any past abuses, if any such there be, which cannot now be remedied; that the great object is to place in freedom all the free Africans now living who can be traced, and that it would be desirable if the

Brazilian Government, while preparing the list asked for, would also consider and frankly discuss with Her Majesty's Government the measures best to be taken for disposing of these free Africans when emancipated. I have told them also that this is a question in which Her Majesty's Government simply call on that of Brazil to fulfil a duty prescribed by Treaty engagements, and that it is not a case in which they can be fairly called upon to trust to good intentions. My remarks were apparently well taken.

In a speech lately made in the House of Commons by Mr. Cave, reported in the "Times," of February 27, it is stated that there are in Brazil 27,000 emancipados who are entitled to their liberty, having been set free by British cruisers, and who, notwithstanding the period of their apprenticeship has expired, are still kept in slavery.

I have found it difficult to obtain any certain estimate of the number of the free blacks in the country, or of those released by the Slave Trade Commission; but I think that these, with their children, would probably not exceed 10,000.

There is a number of others who have been taken by Brazilian cruisers and authorities since the Slave Trade Commission came to an end. These are not so numerous. As regards these, we are not in the same position as with the Africans consigned to the Brazilian Government by the Anglo-Brazilian Commission.

There is, again, a very large number of slaves illegally imported since 1831, and existing in slavery. I am informed that there may be 1,000,000 of these.

Her Majesty's Government have always contended that the Brazilian Government is bound to England by Treaty to prevent these men being held in slavery. This is a separate question, on which I have no instructions from your Lordship, and which I have not raised; but I have alluded once or twice to it in my conversations with Senhor Sinimbu, and I also recited former language of Lord Palmerston on this subject in the memorandum which I gave him unofficially, and of which a copy was inclosed in my despatch of the 27th of August last.

To return to the free Africans released by the Slave Trade Mixed Commission: what is to be done with them, and how they are to be taken care of, is a very important question to be considered, if 8,000 or 10,000 are to be placed, as they should be, in complete freedom. Re-exportation to Africa has long been given up by the Brazilian Government. These Africans are needed in this country, both for their own labour and for increase of population. It would be desirable to make some general arrangements, by which Brazil may profit, as much as may be, for the development of its resources, and the proper treatment of the blacks be secured.

In former years many of these blacks were taken to British West India Colonies, among others Demerara and Jamaica; and perhaps Her Majesty's Government may be glad to consider whether some of them might not now be transported to the Colonies which are demanding coolies.

*Lord J. Russell.*

W. D. CHRISTIE.

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*No. 49.—Mr. Christie to Lord J. Russell.—(Received July 4.)*  
(Extract.) *Rio de Janeiro, May 27, 1861.*

WITH reference to my two preceding despatches, I have the honour to inclose a translation of a communication lately made to me on the subject of the free Africans consigned to the care of the Brazilian Government by the Anglo-Brazilian Slave Trade Commission of Rio de Janeiro.

Two subjects touched on in the inclosed paper deserve your Lordship's attention: first, the destination of these Africans when the letters of emancipation have been granted them; and secondly, the fate of the children of these free Africans.

1. This communication points out objections to allowing these free Africans to be sent to a distance from the capital or large towns, where they are within view of the British Legation or a Consulate. The late Minister of Justice, on the other hand, who was liberally disposed as to granting letters of emancipation, insisted on sending the Africans to whom he granted these letters to reside in rural districts, thinking that they would be better there than among the temptations to drunkenness and crime of large cities. I think that there is much reason on both sides; and I think that the destination of these Africans after receiving their letters of emancipation is a very important question, and that it would be very desirable to have an understanding on the subject between Her Majesty's Government and that of Brazil before any large number of these Africans are emancipated. If they remain in Brazil, I think the best arrangement would probably be, to place them, in numbers, in agricultural colonies not far removed from the chief centres of population, with precautions for their proper treatment.

2. As regards the children, there is no doubt that the children of free African mothers are entitled to freedom. This is not disputed by the Brazilian Government. There is, however, much difficulty in obtaining information about these children. I inform your Lordship, in another despatch, that I have requested the Brazilian Minister for Foreign Affairs to include them in the list of free Africans already asked for.

*Lord J. Russell.*

W. D. CHRISTIE.

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(*Inclosure.*)—*Translation of communication made to Mr. Christie.*  
(*Extract.*) *Rio de Janeiro, January 19, 1861.*

GREAT difficulties are opposed to the grant of letters of emancipation to the Africans called free, and who were delivered to public departments and to private individuals. These difficulties are so great that they cannot possibly, through their own exertions alone, obtain those letters. It is necessary that fortune should provide them with a protector enjoying a notable social position, who chooses to subject himself to considerable expense and many inconveniences in order to wrest any of them from their false position.

Those who consider the great advantages derived by the Government from the services of the Africans, and who know how many fortunes have been made by private persons with Africans, will not be surprised at the difficulty encountered in obtaining letters of emancipation, notwithstanding the lapse of more than 20 years, at the end of which the greatest number of them are still in a condition nearly approaching to slavery.

Time was when the judges of orphans, in conformity with the civil legislation, granted those letters as soon as Africans had shown that they had served during the 14 years prescribed by the edict of 1818 and instructions of 1831.

Although they considered their authority as solely extending to the Africans leased to private individuals, and not to those employed in public service, the number of these grants went on increasing. The Government, during the Nabuco Administration, not only took upon itself this right, but also ordered that those Africans who from any cause disagreed with the private individuals to whom they had been confided, should be sent to the House of Correction. By this means the number of Africans employed in the service of the State increased, but the difficulties of obtaining letters of emancipation were doubled.

The advantages derived by the Government from the free Africans being so great, they endeavour to avoid compliance with the Conventions of 1815 and 1818, and the Treaty of 1826. They retain the enjoyment of the services of these Africans, they do not re-export them, and they have found in the project of their localization in different places where they intend to form Colonies an admirable substitute for re-exportation.

In view, however, of the provisions of the said Conventions and Treaty, this right to make such a substitution cannot be considered very clear; but suppose the Government of Her Britannic Majesty permits it, will it be very advantageous to the Africans? and does it agree with the humane purposes of the British Government? Certainly not, in the way in which it is purposed to be carried out.

The Africans, on being sent to those localities where the Brazilian

Government proposes to form Colonies, under the specious plea of localizing them, will exhaust their strength and wear out their lives in the most rigorous labour in clearing forests, draining marshes, and opening roads; in short, in the hardest and most dangerous toil, to prepare accommodations, and render lands habitable which are destined for others, and not for them. Placed in those projected colonial centres, subject to the will of subaltern agents, they will become true pariahs. Their lot, instead of being improved, will become worse, and they will be less protected than at present in the great centres of population.

If Her Britannic Majesty's Government, in admitting this measure in substitution of re-exportation does not renounce the right to interfere in the fate of those Africans which their welfare claims, let it take cognizance of the contracts and conditions with which they are sent into the interior of the country, and reserve to itself the right of seeing that those obligations are duly fulfilled. Without that cognizance and that reserve of right, there may be found in the projected establishment of the Africans the intention of withdrawing them from the protection afforded by the British Legation, rather than the wish to promote their welfare.

When it is seen, even here in the capital, and under the eyes of Government, that free Africans, who have already their letters of emancipation, are for the slightest misdemeanour sent to the House of Correction by the police, and not by sentences of the criminal authorities, and there forced to work for an indefinite period, what must those be expected to suffer who should be removed to distant places, and be subject to military discipline, under military authorities, in those nucleuses termed "military colonies?" Does not all the world know that the lot of the Africans delivered to public Departments is much worse, even in this capital, than that of those confided to private individuals? In the public Departments no care is taken of their education: they are only taught the necessity of being obedient; their faults are punished with military rigour, and the civil authorities have nothing to do with their condition. If this happens here, what will it be if they are placed tens of leagues off, without the British Legation having the means of knowing what comes to pass, and of protecting them?

In order to appreciate the humanity and good faith of the protection given to free Africans by secondary authorities and agents of the Brazilian Government, I call the attention of your Excellency to the children of many thousands of the free Africans who were confided to the public Departments and to private persons. What is their number? Their mothers not having had letters of emancipation, in what condition do those children exist? Do they enjoy perfect or imperfect freedom, or the condition of the womb, their

Article I was approved, the II<sup>nd</sup>, III<sup>rd</sup>, and IV<sup>th</sup> were rejected; therefore, according to our rules, we are now to treat of Article I.

I am of opinion, Gentlemen, that the project, in its present shape, is incomplete; but even so, I thank God that the Senate has passed this provision, which prohibits sales of slaves by auction, and judicial sales, substituting, for the present system of judicial sales with public exhibition of slaves, written proposals of the judge of inventory or execution. It is, to a certain point, a sort of public sale, but without the public exhibition. The Senate assented to this part, and voted it. For this benefit conferred by the Senate on public morality, I think that honest men, who understand the real character of this anomalous institution of slavery, and the necessity of proceeding step by step, very slowly and prudently, mitigating the severity of the institution, have already something to thank you for.

At all events, public morality will no longer be scandalized by public sales of slaves in Rio de Janeiro, in which all considerations of decorum and dignity are overlooked.

But I find, Mr. President, that in this discussion I may at least reproduce, by way of amendment, an idea which was rejected, but which I now modify: it is that of Article II, which prohibited the separation of man and wife, and of children from parents, in judicial or private sales, under pain of nullity. The Senate must see that this idea is eminently moral.

But, Mr. President, as this idea of non-separation was rejected in the second discussion, I have modified it in order to reproduce it as an amendment, or as a II<sup>nd</sup> Article, or even as an addition to the I<sup>st</sup> Article, which passed. In Article II, which was rejected, the separation of children who had not yet reached the age of 21 years was prohibited, under pain of nullity. I would now fix that this separation may take place when they have arrived at the age of 18; this is the first modification. The second is, that the separation of married couples, which ought to be forbidden, may take place when they are separated by decree of the Ecclesiastical Court.

I ought to propose, as an addition to this project, yet another idea. Even the nation, represented by her Government, is a slaveholder! Well, Gentlemen, would it not be proper that in a State which by law condemns slavery, and which only from considerations of political convenience maintains it, would it not be proper that in that country the Government, at least, should not hold slaves? Meanwhile it is said that the Botanical Garden is going to be the scene of a practical School of Agriculture; this is one of the many utopian ideas with which the public is put to sleep; and consequently the 100 and odd slaves who are there, almost all Creoles, and making families, will be distributed by the Government. Is it

a very worthy spectacle for a free nation that the Government should take the mother and send her to one service, and take her small children and employ them elsewhere? Meanwhile all those slaves are threatened with this separation.

I do not choose to offer any more additions, in order to see if at least the 1st Article passes; would that this could be now acted upon! We are now threatened with a great public sale of slaves belonging to the Duchess of Braganza, on an estate called Macaco, her property. Orders have been received to sell that property; the slaves are to be sold by auction, and they are like those of the Botanical Garden. Almost the whole of them were born at that place; the fathers, mothers, children, and grandchildren are all to be put up to auction, and will be separated.

It being seen that the Government has slaves who are to be sold by auction, like those of the Macaco estate. I think that the doctrine of Article I ought to be acted on, in order to prevent this scandalous proceeding; for which reason I do not present any more additions; I do but reproduce the doctrine of Article II, because I think that it does not present any difficulty.

It is a hardship to grant permission to sell the father and mother separately from the son scarcely 18 years old; it is a hardship, a profanation, and a disowning of the rite of our religion to allow the slaveowner to sunder those slaves who have been married in Church.

I have statistics of the slaves who have come from the north of the Empire since 1850 to the south, and of the daily, monthly, and annual importation of them.

Since 1850, Mr. President, 36,000 slaves have been transported from Maranham, Pernambuco, Bahia, and other northern ports, to Rio de Janeiro alone, and not comprising the ports of the coasts of St. Paulo and Rio Grande do Sul. This transportation of slaves from the north to the south has already been the subject of a measure proposed in the Chamber of Deputies by my noble friend the Baron of Cotegibe, João Mauricio Wanderley, a Senator of the Empire.

His Excellency carried his rigorous prohibition so far to compare the transporting of slaves from the north to the south to the illicit traffic, and to subject the transporters to the same penalties of the last law which prohibited the Slave Trade. This project, proposed, I believe, in 1851 or 1852, I myself opposed, in the Chamber of Deputies, for political considerations; but neither that project, which was the preface to some measures taken by the Provincial Assemblies in order to prevent the transporting of slaves, nor the measures of the Provincial Assemblies, had the desired effect.

Bahia, for example, I am informed, levies an impost of 100 milreis (11*l.* 5*s.*) on every slave who leaves that place; no sale can be effected for abroad without mention being made in the bill of sale of this impost having been paid, at least the police does not otherwise furnish a passport. But, Gentlemen, notwithstanding this, we all know that the North is being depopulated of slaves, and that only to Rio de Janeiro, since 1850, 36,000 slaves have come, that is what is officially known.

*Senhor Conselheiro de Sinimbu.*—Without comprising those who come by the interior.

*Senhor Silveira da Motta.*—Besides the slaves who come from Bahia by land through the district of San Francisco, in order, as articles of commerce, to exchange them for mules at Sorocaba; besides those who enter direct from Bahia into the Province of Minas Geraes; and besides those who enter different ports of the south, conveyed in steamers and sailing-vessels. Many passengers from the north, in order to avoid payment of the impost at the places they come from, bring slaves as servants, who are here sold as a resource of those passengers, because, instead of bringing money, they bring negroes to be sold in this great market.

But amongst the slaves transported from the north (I wish to reply to a remark of the illustrious Senator for Maranhão), I have seen some in the market of Rio de Janeiro, who are children of 10 and 12 years old, have left their parents in the north, and are sold here. I can assure the noble Senator that a slave from the north (I do not know whether he came from Maranhão) told me that he was married in the province where he was sold, and that his wife remained there, and he was sent here. This, Mr. President, is what I have in view to prevent by my amendment.

I have modified my first idea as to the children; I had fixed 20 years of age, and now I reduce it to 18. As to the married slaves, I think that the Legislator ought not to object to prohibit the sale of married couples separately, by their owners, unless they be separated by a decree of an Ecclesiastical Court. I can understand why the Senate has not taken any steps as regards this question, if it had not been brought on a third time; but as this subject has been proposed, it would, in my opinion, be wrong if the Legislature did not take some measures about it; I therefore also propose an amendment in that sense.

*Amendment.*—"In sales of slaves, whether private or public, it is prohibited, under pain of 200 milreis (22*l.* 10*s.*) to 400 milreis fine, to separate married couples who have not been separated by a decree of the Ecclesiastical Court, or children under 18 years old, from their father or mother."

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(Inclosure 2.)—*Extract from a Speech delivered in the Brazilian Senate on the 17th of May, 1861, by Senhor Carneiro de Campos.*  
(Translation.)

I do not rise to present better reasons than those given by the noble Senator (Silveira da Motta), but to appeal briefly to the Government on account of a fact which I believe is still practised in our country, not in regard to slaves, but respecting Africans, whom I consider to be worse off, and unduly so, than slaves—I mean the Africans who were destined to serve the State.

Some years since the Government published a decree for regulating the cessation of the labour to which those captured Africans were subjected, and I have heard that many of the Africans who were distributed to private persons are still kept in subjection.

I will conclude in few words. The free Africans who were distributed among the public departments are destined by an order of the Government to serve until they die. I make this appeal to the Government, because it appears to me that a man declared free, and who is serving in the public establishments, cannot be considered as a slave until he dies, thus remaining worse off than those who were distributed to private persons.

*Senhor Silveira da Motta.*—And their children.

*No. 54.—Mr. Christie to Lord J. Russell.—(Received July 24.)*

MY LORD,

*Rio de Janeiro, June 12, 1861.*

THE annual report of the Minister of Marine gives details as to the number of free men and of slaves employed in navigating the merchant-vessels of Brazil. The numbers given are for 13 maritime provinces, returns being wanting from 3, viz., Parahiba, Pará, and Rio Grande do Norte.

The number of vessels for these 13 provinces is stated at 15,591, being distributed as follows:—

Sea-going vessels	..	..	..	..	100
Coasting vessels	..	..	..	..	1,519
River and harbour craft	..	..	..	..	8,709
Fishing vessels	..	..	..	..	5,263
Total					15,591

These vessels are navigated by 31,341 freemen, and 13,875 slaves.

In the province of Rio de Janeiro the number of free sailors is 9,129, and of slaves 7,150; in Bahia, 9,495 free men and 3,443 slaves; in Pernambuco, 3,028 free men and 518 slaves; and in Rio Grande do Sul, 2,680 free men and 1,328 slaves.

I have, &c.

*Lord J. Russell.*

W. D. CHRISTIE.

*No. 55.—Mr. Christie to Lord J. Russell.—(Received July 24.)*  
 (Extract.) *Rio de Janeiro, June 17, 1861.*

It is stated in the annual report just published by the Minister of Finance, that the number of slaves belonging to the Brazilian nation at the end of 1860 was 1,482.

*Lord J. Russell.*

W. D. CHRISTIE.

*No. 56.—Mr. Christie to Lord J. Russell.—(Received July 24.)*  
 MY LORD, *Rio de Janeiro, June 20, 1861.*

I INCLOSE a translation of a short passage in the annual report, just published, of the Minister of Justice, headed "Trafico" (Slave Trade). It is stated that no importation of Africans has occurred during the past year, and that the determination of the Government has effectually prevented Slave Trade speculations. It is further stated that during the past year letters of emancipation have been given to 110 free Africans. This is a larger number than in previous years, but still a very small number.

I have, &c.

*Lord J. Russell.*

W. D. CHRISTIE.

*(Inclosure.)—Extract from the Report of the Brazilian Minister of Justice, presented to the General Legislative Assembly on the 18th of May, 1861.* *(Translation.)*

WE have no fact to register of the importation of Africans during the last year. Without doubting that wishes are nourished to recommend such lucrative and criminal speculations, it must also be confessed that the authority has itself showed constantly firm in the determination to punish criminals.

The Government, on its part, does not lose sight of this subject, which is deserving of its most vigilant care.

During the last year, letters of emancipation were given to 110 free Africans.

## COMORO ISLANDS.

*No. 73.—Consul Sunley to Lord J. Russell.—(Received July 15.)*  
 MY LORD, *Johanna, May 2, 1861.*

I HAVE the honour to report that, last month, the French schooner *Antancar* put into Johanna for water, with 40 Africans on board.

The owner of the vessel informed me that he had engaged these people at the island of Comoro to work on his sugar estate at Nossi Bé; but a Johannaman, who served in the vessel as interpreter, told



me that they were bought at Quiloa for the sum of 25 'dollars each, and that the vessel called at Comoro for the purpose of procuring a certificate of their having been embarked at that island, and that this was obtained from one of the Chiefs for the sum of 250 dollars.

The island of Nossi Bé is quite close to Madagascar ; its population consists chiefly of Sakalaves, Betsimsarikas, and other tribes in Madagascar, who have sought a refuge there from the raids and tyranny of the Hovas. These people prefer rearing cattle and growing rice to working upon estates ; and the Government gave up the idea of compelling them to work for a term of years on finding that they were preparing to go to the mainland of Madagascar, where they have their paddy plantations. The labourers on the estates are Africans who have been bought from slavery ; but there are not nearly as many as are wanted by the planters, who have no other way of getting more than by purchasing slaves.

2,000 labourers are required to satisfy the immediate wants of the colonies of Mayotte and Nossi Bé ; and I expect that an active Slave Trade will be carried on between the Comoro Islands and the Coast of Africa, if slaves can be introduced into these colonies as inhabitants of the Comoro Islands.

I have, &c.

*Lord J. Russell.*

WM. SUNLEY.

*No. 74.—Earl Russell to Consul Sunley.*

SIR,

*Foreign Office, August 19, 1861.*

I TRANSMIT to you herewith copies of a despatch, and its inclosure, from the Governor of the Cape of Good Hope to the Secretary of State for the Colonies, which have been communicated to me by the Duke of Newcastle, calling the attention of Her Majesty's Government to the fact that you are in the habit of employing 500 slaves on your sugar plantations whom you hire from the Arab slaveholders in the island ; and I have to state to you that I should be glad to receive any explanations which you may have to offer upon this subject.

I am, &c.

*Wm. Sunley, Esq.*

RUSSELL.

*(Inclosure 1.)—Sir G. Grey to the Duke of Newcastle.*

MY LORD DUKE,

*Cape Town, June 18, 1861.*

I HAVE the honour to transmit, for the information of Her Majesty's Government, the copy of a letter I have received from Mr. H. Hutton, a Government officer in this colony, calling attention to the fact that, upon his visiting the island of Johanna in February and March of this year, he found that the British Consul

was in the habit of employing upon his sugar plantations 500 slaves, hired from the Arab slaveholders in that island.

I request that your Grace, in bringing this communication under the notice of the Secretary of State for Foreign Affairs, will inform his Lordship that whilst I am unaware of the nature of the regulations which the Foreign Office have laid down for the guidance of Her Majesty's Consuls in relation to the employment of slaves, I think it right to inform his Lordship that Mr. Hutton is an officer of principle and probity upon whose statements I should place most entire reliance.

I have, &c.

*The Duke of Newcastle.*

G. GREY.

(*Inlosure 2.*)—*Mr. Hutton to the Acting Colonial Secretary, Cape Town.*

SIR,

*Graham's Town, May 25, 1861.*

UPON occasion of my visits to Johanna in February and March of this year, my attention was particularly attracted to a subject which appeared to me to be of so much importance as to call for representation to Her Majesty's Ministry; and not having had an opportunity of making, as I had intended, a verbal communication to his Excellency the Governor when I was lately in Cape Town, I beg now to bring the circumstance to his notice for the purpose of receiving his consideration, and being submitted to Her Majesty's Secretary of State for Foreign Affairs, if he should concur in the opinions which I have expressed.

Johanna, one of the Comoro group of islands, is a rendezvous of Her Majesty's cruisers upon the East Coast of Africa, and is the seat of a British Consulate. The Consulate-house is at the town of Johanna, on the north side of the island, but the Consul resides at Pomone, a small harbour on the west of the island, where he has a sugar plantation and factory.

The circumstance to which I am desirous of drawing his Excellency's attention is, that upon this plantation the Consul employs slave-labour—a proceeding which appears to me to be wholly at variance with the objects of his appointment, and to implicate the British Government to some extent in the maintenance of slavery.

At the time of my visit, the Consul (Mr. Sunley) had 500 slaves at work on his plantation, whose labour he hired from the Arabian slave-owners in the island.

It is true that the island is not a British settlement, and that our Treaty with the King is only for the suppression of Slave Trade, that is, the importation and deportation of slaves, and that thus the state of slavery in his Kingdom is recognized. But I think it is evident that by opening a market for the profitable employment of slave labour, a stimulus is actually given to Slave Trade, and the

strongest inducement furnished for eluding the stipulations of the Treaty, and surreptitiously importing slaves from the African coast.

This is easily done by sending dhows to the coast with a small crew, and there completing the crew to the number allowed by Treaty. The importation can thus be kept up by small drafts without the British cruizers having the power to interfere with it; and that this system is, under existing circumstances, actually carried on, I think that there cannot be a reasonable doubt.

Her Majesty's Ministers would surely disapprove of their Consul thus indirectly encouraging a trade which it should be his most earnest endeavour to suppress by all legitimate means; and I trust that his Excellency, concurring in this view, will bring the subject to their notice.

I have, &c.

HENRY HUTTON.

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*No. 75.—Earl Russell to Consul Sunley.*

SIR,

*Foreign Office, November 5, 1861.*

I TRANSMIT to you, for your information, copies of a despatch, and its enclosure, from Her Majesty's Ambassador at Paris, containing the reply of the French Government to a representation which I instructed Lord Cowley to make to that Government, relative to the proceedings, reported in your despatch of the 2nd of May last, on the part of certain French agents in purchasing negroes on the East Coast of Africa, and then transporting them to the Comoro Islands, from whence they were introduced into the French colony of Nossi Bé as free labourers.

You will perceive that M. Thouvenel represents that the Government of the Emperor has not received any information with regard to the particular transaction which forms the subject of your despatch; but he states that the Count de Chasseloup Laubat, the Minister of Marine, has requested explanations on the subject, and that Minister remarks that Her Majesty's Government doubtless confound the recruitment of Africans from the East Coast of Africa with the engagement of free blacks from the Comoro Islands; and that while the former is strictly prohibited, the latter is allowed to the colonies of Nossi Bé and Mayotte, because slavery does not exist in the Comoro Islands, and that consequently the engagements made there are with free men who are at liberty to dispose of their services as they may think fit.

I should be glad to receive any observations which you may have to offer upon this explanation of the French Minister, and I have to desire that you will at the same time inform me what is the state of the relations between the labouring population in the Comoro Isles and the King and Chiefs; and whether, as stated by the French Minister, the natives are at liberty to leave the island of

## GREAT BRITAIN AND FRANCE.

with free will and to engage their services to French colonists  
whether in that case their places are supplied by slaves surrep-  
tiously introduced by the King or Chiefs from the mainland  
there is another point which forms the subject of comment in  
French Minister's note—I allude to the employment by you  
of large numbers of native labourers on your sugar plantations; but  
I have already on a former occasion called upon you for full  
explanations on this subject, it will not be necessary that I should  
more than refer to the matter on the present occasion.

I am, &c.

Wm. Sunley, Esq.

RUSSELL.

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## FRANCE.

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*No. 81.—Lord J. Russell to Earl Cowley.*

MY LORD,

*Foreign Office, July 17, 1861.*

IN my despatch of the 13th instant, I transmitted to your  
Excellency a copy of a despatch from Colonel Rigby, Her Majesty's  
Consul and Agent at Zanzibar, reporting that French vessels were  
again exporting negroes from the East Coast of Africa to the French  
colonies: but while instructing your Excellency to ask for explana-  
tions on this subject, I at the same time expressed the belief of  
Her Majesty's Government that Colonel Rigby must have been mis-  
informed.

I now, however, transmit to your Excellency a copy of a despatch  
which I have received from Mr. Sunley, Her Majesty's Consul at  
the Comoro Islands, which I regret to say, confirms entirely Colonel  
Rigby's report, and leaves no room for doubting that notwithstanding  
the despatch of Prince Napoleon to the Governor of Réunion of  
the 6th of January, 1859, putting an end to the exportation of  
negroes from the East Coast of Africa to French colonies, this  
traffic has again been renewed to Nossi Bé.

I have to instruct your Excellency to call the serious and imme-  
diate attention of the Imperial Government to the statement  
contained in Mr. Sunley's despatch, and to request that strict order  
may be sent to suppress this traffic in conformity to the Emperor  
Decrees relating to the sale and purchase of labourers on the East  
Coast of Africa.

I am, &c.

Earl Cowley.

J. RUSSELL

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*No. 83.—Earl Cowley to Earl Russell.—(Received October 25*

MY LORD,

*Paris, October 24, 1*

ON receipt of your Lordship's despatches of the 13th and

July last, I addressed a note to M. Thouvenel, calling the immediate attention of the French Government to the fact, as reported by Her Majesty's Consuls at Zanzibar and the Comoro Islands, that French vessels were again exporting negroes from the East Coast of Africa to French colonies, and I have now the honour to inclose copy of the note which I have received in reply from his Excellency.

M. Thouvenel states with regard to the special case mentioned by Mr. Sunley, of negroes having been bought at Quiloa by the French schooner *Antankare*, that the authorities of Mayotte, having been applied to for explanations, profess entire ignorance of any such operation. While awaiting, however, further information from those authorities, the French Government insist that Her Majesty's Government confound with the Slave Trade from the East Coast of Africa the recruitments, for Mayotte and Nossi Bé, of free black labourers from the 3 Comoro Islands. The former is severely prohibited by France, and is, the Minister of Marine says, rendered impossible by the precautions prescribed by him; whereas the second is allowed to the two above-named colonies, in which slavery does not exist. M. Thouvenel, as your Lordship will observe, goes at considerable length into the nature of this recruitment, which, according to his Excellency, presents all the conditions of a perfectly valid contract, and he proceeds to cast doubts on the impartiality of Mr. Sunley in the question.

The note ends by calling the attention of Her Majesty's Government to a report which has reached that of the Emperor, but to which it does not attach entire credence, that English cruizers on the East Coast of Africa frequently hoist French colours with a view to more closely watching Arab vessels in those waters.

I have, &c.

*Earl Russell.*

COWLEY.

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(*Inclosure.*)—*M. Thouvenel to Earl Cowley.*

M. LE COMTE,

*Paris, le 22 Octobre, 1861.*

VOTRE Excellence par une lettre en date du 19 Juillet appelait l'attention du Gouvernement de l'Empereur sur des opérations de traite qui, d'après des renseignements parvenus à Londres, s'étaient effectués à la Côte Orientale d'Afrique, sous pavillon Français. Les rapports envoyés par l'Agent Britannique aux Iles Comores, M. Sunley, signalait ce fait—qu'un schooner Français l'*Antankare*, aurait acheté des noirs à Kiloa, et serait ensuite venu faire légaliser cette opération illicite à la Grande Comore, en se procurant à prix d'argent, d'un Chef de cette Ile, une fausse attestation de l'embarquement de ces travailleurs. Votre Excellence ajoutait que le Gouvernement Britannique voyait avec regret que les recrutements d'Africains que son Altesse le Prince Napoleon avait interdite au

mois de Juin, 1859, furent encore poursuivis pour le compte de nos établissements de Mayotte et de Nossi-bé.

M. le Ministre de la Marine a demandé des explications à M. le Commandant Supérieur de Mayotte sur le fait imputé à l'*Antankare*, au sujet duquel il ne possède aucune espèce d'information; mais, en attendant qu'il les ait reçues, M. le Comte de Chasseloup-Laubat me fait observer que le Gouvernement de Sa Majesté Britannique confond des opérations très différentes en supposant que les recrutements pour le compte de Mayotte et de Nossi-bé s'effectuent à la Côte Orientale d'Afrique contrairement à nos rénonciations officielles. Loin qu'il en soit ainsi, toute opération faite à la Côte d'Afrique serait l'objet d'une sévère répression; mais nous autorisons encore, comme nous l'avons toujours fait, les seuls colons de Mayotte et de Nossi-bé (car ceux de la Réunion ne jouissent pas de cette faculté) à engager des travailleurs dans les 3 Comores, Anjouan, Mohili, et la Grande Comore. Cette faculté leur a été accordée et leur est maintenue parceque l'esclavage n'existe pas dans ces Iles. Elles sont gouvernées féodalement, comme l'Egypte, par des Chefs qui laissent à leurs sujets toute liberté de contracter des engagements de travail, et de s'expatrier pour un temps déterminé. Les recrutements que nous effectuons aux Comores présentent donc le caractère de contrats parfaitement réguliers, passés avec connaissance de cause, sous une surveillance immédiate et complète, et avec toutes facilités d'acclimatation et de rapatriement pour l'engagé, qui ne change, pour ainsi dire, pas de pays, puisque les Iles Comores et nos établissements de Mayotte et de Nossi-bé appartiennent au même Archipel. On objecte que des esclaves peuvent être emmenés de la côte d'Afrique aux Iles Comores, et introduits ensuite, comme Comoriens, dans nos propres établissements. Une semblable appréhension est sans fondement en présence des précautions excessives que le Département de la Marine a prescrites, depuis longtemps, pour prévenir cet abus. Les instructions qu'il a données à ce sujet disent très expressément qu'il ne faut pas que des esclaves, venus de la côte d'Afrique ou de Madagascar, et ayant fait une simple escale à Anjouan, soient ensuite apportés par des boutres appartenant à des Chefs de cette île, et engagés, à Mayotte, comme des Comoriens d'origine libre. De telles recommandations sont donc, je le répète, une garantie que les travailleurs introduits à Mayotte et à Nossi-bé y viennent de leur plein consentement, et sont bien réellement d'origine Comorienne.

Nous ne saurions nous dispenser, au surplus, de constater que M. Sunley, qui s'élève si vivement contre nos recrutements dans les Comores, ne s'abstient pas de recourir, pour son propre compte, à l'engagement d'indigènes Comoriens, et qu'il entretient, sur ses établissements sucriers, un grand nombre de travailleurs, recrutés par lui à Anjouan, avec le concours des Chefs de cette île. Le

Gouvernement de Sa Majesté Britannique admettra, sans doute avec nous, que cette circonstance n'est pas de nature à inspirer à M. Sunley une bien grande impartialité dans ses appréciations.

Il est un fait d'une autre nature que nous ne saurions laisser échapper non plus l'occasion de signaler à la loyauté du Gouvernement de la Reine. Des informations parvenues à M. le Ministre de la Marine lui ont appris que, dans les parages de la Côte Orientale d'Afrique des croiseurs Anglais auraient arboré plusieurs fois le pavillon Français, dans la pensée, paraîtrait-il qu'ils surveilleraient plus facilement les Arabes que la vue de ce pavillon ne mettait pas en défiance. Sans vouloir ajouter une entière créance à ces renseignements, nous croyons devoir en faire part au Cabinet de Londres, en vue d'empêcher que le renouvellement de ce fait, s'il est exact, expose nos batiments de commerce à être pillés et détruits par les Arabes à titre de représailles.

Agréez, &c.

*Earl Cowley.*

THOUVENEL.

*No. 84.—Earl Russell to Earl Cowley.*

MY LORD,

*Foreign Office, December 19, 1861.*

I TRANSMIT herewith, for your Excellency's information, copies of a letter and its inclosures from Rear-Admiral Sir Baldwin Walker, the Commander-in-chief of Her Majesty's naval forces on the Cape of Good Hope Station, containing the result of inquiries which I requested that that officer might be directed to make, regarding the reports that had reached Her Majesty's Government that the recruitment of Africans for French colonies was still being carried out on the East Coast of Africa.

The accounts now received, I regret to say, leave no room to doubt that the reports formerly sent to Her Majesty's Government, and on which, by my despatch of the 13th of July last, I instructed your Excellency to make a representation to the French Government, were well founded.

In the *note verbale* placed in your Excellency's hands by M. Thouvenel, containing the reply of the French Government to your representation, of which a copy is inclosed in your despatch of the 24th of October, it would appear that, while the recruitment of Africans for the French colonies from the East Coast of Africa is severely prohibited, and, as the Minister of Marine states, rendered impossible by the precautions taken by him, the engagement of black labourers for the colonies of Mayotte and Nossi Bé from the 3 Comoro Islands is, on the other hand, permitted, because it is stated that slavery does not exist in those islands, and that the natives are left entirely free by their Chiefs to dispose of their services as they may think proper.



But the information received by Her Majesty's Government leads to a totally different conclusion, as you will perceive from the accompanying copy of a letter from Mr. Ellis, a gentleman who, on several occasions, has been in charge of Her Majesty's Consulate in the Comoro Islands, and who, having returned within the last few days from Johanna, is therefore well acquainted with the state of affairs in those islands.

It will be seen from this letter, not only that slavery does exist in the Comoro Islands, but that the Chiefs never allow a slave to expatriate or to engage himself for work out of their islands without first receiving his full value in hard cash; and Mr Ellis states, moreover, that if French Agents are allowed to hire (or rather to buy) the services of these slaves, their places will be supplied by Africans imported in Arab dhows from the mainland, a course of proceeding which, it cannot be doubted, must tend to encourage the Slave Trade.

Nor is this all, for, notwithstanding the great precautions which the French *note verbale* states are taken to prevent any abuse of the permission granted to French Agents to import labourers from the Comoro Isles into Mayotte and Nossi Bé, it would appear from the concurrent testimony of Mr. Ellis and of the Commander of Her Majesty's ship *Wasp* (see Inclosure No. 6 in Admiral Walker's letter), that a French vessel called the *Antankare*, and stated to have had a Government Agent on board, arrived at Johanna in the month of April last, with a cargo of negroes, who had been procured by purchase from the mainland of Africa, and that the Chief of the Comoro Isles was induced by a bribe of 200 or 300 dollars, to give passports certifying that the negroes on board were natives of the Comoro Islands, and that they had been engaged there as free labourers.

I have to instruct your Excellency to communicate the substance of Mr. Ellis's letter, and of Admiral Walker's Reports, to the French Government, and in doing so you will state that Her Majesty's Government feel assured that the Government of the Emperor will see that they have not, without good reason, complained of the continued recruitment of Africans by French Agents from the East Coast of Africa; and your Excellency will express the earnest hope of Her Majesty's Government that steps may be taken to put a stop to this recruitment of Africans for French colonies, which is not only directly contrary to the orders of the French Government, but is also in violation of the engagements contracted by that Government towards the Government of Her Majesty on this subject.

I am, &c.

Earl Cowley.

RUSSELL.

(*Inclosure.*)—*Mr. Ellis to Mr. Layard.*

(Extract.) *Hasfield Rectory, near Gloucester, November 30, 1861.*

IN reply to your letter of the 23rd instant, inclosing copy of a *note verbale* from the French Government, and stating that Lord Russell would be glad to receive any observations I may have to offer thereupon, I beg to say, with reference to M. Thouvenel's statement that slavery does not exist in the Comoro Islands, and that they are governed feudally, like Egypt, by Chiefs who leave to their subjects entire liberty to contract engagements of service, and to expatriate themselves for a certain time, that the Islands of Johanna and Comoro are governed despotically by Sultans, and Mohilla by a Sultana or Queen, who certainly leave to their free Arab subjects (very few in number) entire liberty of action, but never allow any slave to expatriate or engage himself for any work out of their islands without his full value is first received in hard cash.

I am not aware that an exception was made in favour of the Colonies of Mayotte and Nossi Bé when the Prince Napoleon forbade, in June, 1859, recruitments of Africans on the coast for the Island of Réunion; and if these colonies are allowed to hire (literally buy) slaves at Johanna, Mohilla, and Comoro, where slavery does exist, and is a recognized domestic institution, Africans will be imported by Arabs in dhows into those islands, in spite of the vigilance of our cruisers and the remonstrances of our Consul.

The people of Comoro are the only ones of the whole group who care to work in the service of the French at Nossi Bé and Mayotte. This island is constantly in a state of civil war, as there are two Sultans always finding pretexts for robbing each other of cattle and slaves. No water is found except what is collected in tanks and jars in the rainy season; and rice, as at Johanna, is not grown in sufficient quantity to supply the wants of the population. Much misery and starvation is the lot of these poor people, and they consequently emigrate annually in small numbers to Mayotte and Nossi Bé.

Advantage is taken of this by the Captains of French ships employed in the recruitment of Africans on the coast to "legalize their operation," as it is called, as in the case of the *Antankare*, the facts of which are these:

Nossi Bé is a most fertile island, but the natives (Malgaches) are lazy and vicious. Labourers must be had for the sugar plantations, and advantage was taken of the permit given by the Prince Napoleon in his Proclamation of June, 1859, allowing recruitments already in operation till June, 1862, to complete their arrangements, to despatch the *Antankare* to Lindy first and Comoro afterwards, to "legalize the operation;" the vessel was fitted out by private persons, and its proceedings connived at by the Governor of Nossi Bé.

It is true that Mr. Sunley employs on his sugar plantation men, and also slaves hired by him of their Arab masters in the Island of Johanna; he furthermore pays these people for their daily work. The slave is happy and contented; he is paid for his labour (which his Arab master never thinks of doing), thus making him feel equal to the free man, and he escapes the, to him, dreadful alternative of being sold by his Arab master to a French ship, for the purpose of being transferred to the Islands of Mayotte and Nossi Bé.

## MUSCAT (ZANZIBAR).

CONSULAR.

No. 89.—*Lord J. Russell to Lieutenant-Colonel Rigby.*  
*Foreign Office, February 19, 1861.*

SIR,

THE Secretary of State for India has transmitted to me a report drawn up by Brigadier Coghlan, comprising the result of inquiries recently made by that officer on the subject of the Slave Trade on the eastern coast of Africa.

A considerable portion of this report is founded on information received by Brigadier Coghlan from you, and which you have already furnished to Her Majesty's Government, but it contains also some new matter, and tends to show that the Slave Trade is carried on almost as actively on the eastern as on the western coast of Africa.

Brigadier Coghlan estimates the number of slaves exported from the dominions of the Sultan of Zanzibar, and from the neighbour Portuguese territories, at upwards of 30,000 annually, and he states that whole districts have been depopulated, and towns and villages destroyed in the wars that have been carried on for the purpose of procuring slaves for exportation.

These facts, even if allowance be made for some exaggeration, show that more stringent measures than have hitherto been required for the suppression of this iniquitous traffic.

I have instructed Her Majesty's Minister at Lisbon to strong representation to the Portuguese Government, in view to procure the removal and punishment of the officers who have connived at the trade in slaves which is carried on by the Portuguese territories, and I have to desire that you express to the Sultan of Zanzibar the regret of Her Majesty's Government that the stipulations of the Treaty between Britain and Zanzibar, by which his Highness is bound to abstain from the exportation of slaves from his dominions, have not been strictly observed.

I do not deny that the

have many difficulties to contend with in preventing the export of slaves from his dominions, but those difficulties cannot be alleged as a sufficient reason for the non-fulfilment of Treaty engagements, and you will point out to his Highness that he is bound, if the measures hitherto adopted by him are proved to be insufficient, to resort to other measures by which his engagements with this country may be more faithfully fulfilled.

One of the measures which, in the opinion of Her Majesty's Government, would be most efficacious for this end, would be to prohibit slaves from being carried coastwise from one part of the Sultan's dominions to the other.

There can be little doubt that the greater portion of the slaves so conveyed are intended for exportation, and so long as this coast traffic is permitted to continue, it will be impossible for the Sultan's officers, or for the commanders of British cruizers, to prevent slaves from being exported from the Zanzibar territory.

I have accordingly to instruct you to suggest to his Highness that orders should be given prohibiting, under severe penalties, the transport of slaves coastwise from one portion of his dominions to the other; and you will also propose to his Highness that he should conclude an Additional Article to the Treaty between Zanzibar and Great Britain, by which the commanders of British cruizers should be authorized to seize and detain all vessels under the Zanzibar flag engaged in the coasting trade, on board of which slaves may be discovered.

I am, &c.

*Lieutenant-Colonel Rigby.*

J. RUSSELL.

*No. 90.—Lieutenant-Colonel Rigby to Sir C. Wood.*

(Extract.)

*Zanzibar, August 28, 1860.*

I HAVE the honour to report, for your information, the following circumstances connected with the Slave Trade in the Zanzibar dominions.

On the 15th of June last a Spanish slave agent from Cuba arrived here in an American vessel, and took up his abode with the notorious Spanish slave agent, Buona Ventura Mas, who has long been carrying on an extensive traffic in slaves in the Zanzibar dominions.

A few days after the arrival of the above agent, it became known that a great many slaves were being purchased by Arab agents of Buona Ventura Mas, both in the slave-market and from Arab proprietors of plantations in the interior of the island; and I was also informed by an Arab employé of my office, who was at the port of Keelwa, that two agents of Mas had arrived there, and were purchasing slaves, and had already shipped off two boat loads of them to Zanzibar.

These transactions were carried on with so little attempt at concealment that they were the common talk of all classes here, and

I urged his Highness the Sultan to put a stop to proceedings so opposed to his Treaties with the British Government. His Highness, therefore, arrested one of Mas' chief agents, and imprisoned him in irons. At my urgent request, all the slaves discovered who had been purchased on account of Mas were emancipated by his Highness the Sultan, and are now located on his Highness's own estates. The number is between 300 and 400. But these form a very small proportion of the entire number purchased, and many of the chief Arabs of the island have been concerned in this traffic.

In order to prevent any of the British Indian subjects resident here from aiding or abetting this slave traffic, I issued a notice warning them against any having commercial dealings with any persons, whether Europeans or Arabs, whom they knew to be engaged in the purchase or sale of slaves for shipment to foreign countries. Immediately this notice was posted at the Custom-House, the French Consul threatened to haul down his flag, saying that the Spanish slave agent, to whom allusion was made in it, was under French protection.

On the 31st of July, a vessel was observed at anchor about 9 miles south of this port.

The Arab commander of one of his Highness's ships of war, who, having been educated in England, is conversant with the French and English languages, called on me, and stated that he had proceeded in a boat to visit her; and the following is a copy of a memorandum which he made on board, and which he has delivered to me:

"Mem. — On Wednesday, August 1, 1860, barque *Formosa Estrella*, Commander Magin Prexas, from Havana 27th January, arrived here 27th July, bound to Aden; his consignees, Messrs. Vidal Frères, belonging to Havana; 232 tons, 150 large casks of water, 35 men, with captain and two officers, and have found a number of irons, chains, tin-plates, and a number of bags of rice."

The Arab commander further informed me that this vessel was completely equipped for the Slave Trade. The commander of the slaver shortly afterwards hove-up anchor and stood to the south.

The consignees of this slaver, Vidal Frères, are French merchants at Marseilles; their agent here is the notorious slave-dealer, Buona Ventura Mas, and I have been informed that Vidal Frères are known to be the owners of the *Formosa Estrella*.

The *Formosa Estrella* again returned to the east side of the island, and letters from Mas which he had sent across the island were intercepted by the Sultan and clearly proved his connection with the slave traffic. Upon his Highness submitting these letters to the French Consul, the latter stated that Mas was no longer under French protection; and his Highness, therefore, ordered Mas to quit his dominions by the first opportunity. During these

occurrences the Spanish slave agent from Cuba absconded, and a few days afterwards Mas also secretly left the island in a native boat.

On the morning of the 2nd of August I received information that a vessel, supposed to be a slaver, had been seen at anchor near the island of Monfea: the *Lyra* therefore proceeded to sea that night, and captured a large American clipper-built ship completely equipped for the Slave Trade. A copy of the charter-party made with Buona Ventura Mas to supply the slaves was found on board, and her provisions had also been supplied from here, having been sent out to her on board the Spanish brig *Numa* which Mas employed here to communicate with the slave-ships arriving on the coast.

The commander of the captured vessel also stated that he had been induced to engage in this traffic from Mas having written to Barcelona that there were no British cruizers on the east coast of Africa; he further stated that the money for the purchase of the slaves is sent here to Mas from Marseilles in vessels belonging to Vidal Frères, the charter-party and all papers being sent out overland viâ Aden.

It is well known here that the money is sent as above described.

The return of Her Majesty's ship *Lyra* to this port having the captured vessel in tow caused a great sensation amongst the inhabitants, it being the first occasion that a captured slaver had ever been brought into this harbour. His Majesty's steam-corvette *Brisk* has also recently captured a large American clipper-built ship near Johanna, with 846 slaves on board.

The Slave Trade is very much on the increase along the east coast of Africa. At the Portuguese ports it is carried on in the most shameless manner.

*Sir C. Wood.*

C. P. RIGBY.

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*No. 91.—Lieutenant-Colonel Rigby to the Chief Secretary to Government, Bombay.*

(Extract.)

*Zanzibar, November 26, 1860.*

WITH reference to my letter to your address, dated the 27th of August last, reporting that a slave-ship under Spanish colours, named the *Formosa Estrella*, had been at anchor in a bay on the east side of this island, I have the honour to inform you that the above slave-ship has been recently captured at Lamoo by the authorities of His Highness the Sultan Sayyid Majid, and brought to this port.

I have told His Highness that I consider there can be no doubt of the legality of the capture, the vessel being at anchor in his port completely equipped for the Slave Trade, and the master confessing

he had come there to procure slaves. He showed no papers, and no register of the ship has been found. Her port clearance is from Havana to Monte Video, and she has 10 men on board more than is shown in the crew list.

It is said that Sayyid Saood had been commissioned by Mas to procure the slaves for this vessel, on his arrival at Lamoo. It so happened that Sayyid Saood arrived there the day after the order of His Highness the Sultan for her capture. Upon hearing this, he became very angry with the officer who had given the information. Although he is a very old respectable man, who was with Captain Owen and Captain Freemantle at the Kooria Moorla Islands, Sayyid Saood threatened his life, and to cut his beard off, and ordered him to quit Lamoo for interfering with the slaver.

C. P. RIGBY.

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*No. 92.—Lord J. Russell to Lieutenant-Colonel Rigby.*

(Extract.)

*Foreign Office, May 20, 1861.*

THE Secretary of State for India has communicated to me copies of your despatches to the Secretary of the Government of Bombay of the 28th of August and of the 26th of November last, on matters connected with the Slave Trade which is carried on from the east coast of Africa.

I had already been made acquainted, by reports which I had received from the Admiralty, and by despatches from yourself, with some of the circumstances which form the subject of your communications to the Government of Bombay, but those communications contain further information on which it will be right that I should make known to you the views of Her Majesty's Government.

As regards your despatch of the 28th of August, I have to state that I approve the language held by you to the Sultan of Zanzibar, as reported in that despatch, with reference to the shipment of slaves from his dominions by persons acting in conjunction with the slave agent Mas.

With reference to your despatch of the 26th of November last, reporting the proceedings of Sayyid Saood-bin-Hallal in seizing and ordering to be put to death an Arab named Salim Jubran, who had been in the employment of Her Majesty's Consulate, on account of his having furnished you with information respecting the movements of the slave-dealers, I have to instruct you to acquaint His Highness the Sultan that your conduct in demanding the instant dismissal of Sayyid Saood-bin-Hallal from the Governorship of Lamoo for his proceedings towards Salim Jubran has been entirely approved by Her Majesty's Government, and you will add that Her Majesty's Government will hold the local authorities responsible



for any injuries that may be committed either on Salim Jubran, or on any other persons who may be employed in furnishing you, or Her Majesty's naval officers, with information respecting the Slave Trade.  
*Lieutenant-Colonel Rigby.* J. RUSSELL.

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*No. 93.—Lord J. Russell to Lieutenant-Colonel Rigby.*

SIR,

*Foreign Office, June 7, 1861.*

I TRANSMIT to you herewith a memorandum which I have received from Dr. Livingstone requesting that inquiries may be instituted with the view, if possible, to discover the fate of a party of Makololo Africans, who in the latter part of the year 1855 left their country, under the guidance of an Arab named Raia Saidi Ben Habib Ben Salem Lafifi, to trade on the Western Coast of Africa.

None of the party have ever returned to their homes, and you will perceive that it is suspected that Ben Habib sold them into slavery. This Arab is reported now to be settled on his father's property, as head man of an Arab village near Zanzibar, and if this should be the case you may probably be enabled to find him out, and to learn from him the fate of the party of Makololos who were entrusted to his guidance.

I have accordingly to desire that you will make inquiries into this matter, and you will report to me the result of your investigations, and also to Dr. Livingstone himself if you should have an opportunity of doing so.

I am, &c.

*Lieutenant-Colonel Rigby.*

J. RUSSELL.

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*No. 96.—Lieutenant-Colonel Rigby to Lord J. Russell.—(Rec. July 5.)*

MY LORD,

*Zanzibar, May 4, 1861.*

I HAVE the honour to forward, for your Lordship's information the accompanying copy of a despatch which I have this day addressed to Her Majesty's Principal Secretary of State for India.

I have, &c.

*Lord J. Russell.*

C. P. RIGBY.

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*(Inclosure.)—Lieutenant-Colonel Rigby to Sir C. Wood.*

(Extract.)

*Zanzibar, May 4, 1861.*

I HAVE the honour to inform you that the traffic in slaves at the Comoro Isles, which was carried on to so great an extent by vessels under the French flag until prohibited by a despatch from the Minister of Algeria and the Colonies, dated January 6, 1859, has again been resumed by French vessels.

Although this Slave Trade was designated by the French Government as a system of free negro emigration, it was, in fact, a Slave Trade under its most odious and cruel form; it was rapidly ruining

all legal commerce on the East Coast of Africa, and caused warfare and bloodshed all over the interior.

*Sir O. Wood.*

C. P. RIGBY.

*No. 97.—Lieutenant-Colonel Rigby to Lord J. Russell.—(Received September 13.)*

MY LORD,

*Zanzibar, July 10, 1861.*

I HAVE the honour to forward, for your Lordship's information, the inclosed copy of a despatch, dated 14th of May, 1861, which I have addressed to the Chief Secretary to Government, Bombay, relative to the extensive traffic in slaves between the East Coast of Africa and the Persian Gulf and coasts of Arabia.

I have, &c.

*Lord J. Russell.*

C. P. RIGBY.

*(Inclosure.)—Lieutenant-Colonel Rigby to the Chief Secretary to the Government of Bombay.*

*(Extract.)*

*Zanzibar, May 14, 1861.*

I HAVE the honour to submit for the consideration of his Excellency the Governor in Council the following remarks relative to the Slave Trade which is carried on to so great an extent between the East Coast of Africa and the coasts of Arabia and Persia.

During the last 20 years the stoppage of this traffic has been an object of solicitude to Her Majesty's Government; but from the experience I have acquired as to the extent to which it is still carried on, I can state with confidence that very little success has hitherto attended the endeavours of the British Government to put a stop to this revolting traffic, and that the Treaties entered into for its suppression between Her Majesty and the late Imaum of Muscat have not been regarded in the very slightest degree by the Zanzibar authorities. In fact, I believe that the Treaties have been considered a dead letter from the day they were concluded.

During the last few years the export of slaves from the interior of Africa to the Island of Zanzibar has been greatly on the increase; it is now carried on in a more organized manner, and has spread much further into the interior than formerly. The number of slaves annually imported into Zanzibar is now not less than 20,000; of these probably one-half are retained on the island, and the remainder exported to foreign countries in violation of Treaties. In addition to the above, several thousands of slaves are annually taken from the ports within the Portuguese dominions, and also from the River Lindy and the port of Keelwa to ports on the coast to the north of Zanzibar, whence they are afterwards taken to the Arabian coast.

Until within the last few years, the vessels which carried the slaves from the East Coast of Africa were not solely engaged in this Traffic; each vessel took on board a few slaves in addition to its cargo; but at present from 100 to 200 slaves and upwards are shipped in one vessel, and it is made a distinct traffic; one Sooree vessel, captured recently by Her Majesty's ship *Sidon*, had on board 273 slaves. When carried in such numbers on board Arab craft, the sufferings and mortality of the slaves are greatly augmented; it is stated that frequently one-half the number embarked die before arriving at their destination.

In the year 1840, the Acting Resident in the Persian Gulf reported to the Secretary to Government, Bombay, that the number of slaves sold annually in the Gulf was estimated at 4,000 to 5,000, and that 100 vessels were employed in carrying slaves between Zanzibar and the shores of the Persian Gulf. I believe that so far from the subsequent Treaties having had any effect in restricting this traffic, at the smallest computation 10,000 slaves are now taken north every year, and that upwards of 150 vessels are employed in carrying them.

Of the 10,000 slaves thus exported, I believe that fully one-half are shipped in the harbour of Zanzibar, with the full knowledge of the authorities, by whom no notice whatever is taken of the breach of Treaties which this traffic involves, unless urged by the British Consul to do so.

The Honourable Sir J. Carnac, Governor of Bombay, recorded, in a minute dated the 5th of January, 1841, as follows:—"It would appear by our past engagements that, though the Imaum of Muscat and the Joasmee Chiefs have taken credit for having conformed to the wishes of the British Government, the Slave Trade prevails, in fact, in its pristine vigour within certain limits, and, as far as they are concerned, the value to us of their engagements has been rendered nugatory; and as much revenue has been derived (by the Imaum of Muscat, for example) from the traffic of slaves as he enjoyed when the Slave Trade did not engage our attention."

The Honourable Mr. Anderson also recorded, in a minute without date:—"I am assured that no effectual stop can be put to this traffic till the carrying away from Africa, on any pretence, slaves, either bought, kidnapped, or taken in war, is declared piracy, and that the measures for capturing vessels so laden are more effectually entered upon. The great step is, to make it no longer a trade of any profit to the slave-dealer in the interior of Africa to bring to the coast slaves for sale. Until this is done, slaves will be brought down, and the terrible miseries of the trade continued."

In a letter from Captain Hamerton to the Secretary to the Government, Bombay, dated the 13th July, 1841, he estimates the

number of slaves annually imported into the Islands of Pemba and Zanzibar from the Coast of Africa at from 8,000 to 10,000, a duty of 1 dollar per head being paid to the Customs master. The import of slaves has more than doubled since that time, and the duty charged is now 2 dollars per head.

Captain Hamerton also stated as follows:—"In no part of the world is the misery and suffering these wretched slaves endure whilst being brought here, and until they are sold, exceeded. They are in such a wretched state, from starvation and disease, that they are sometimes considered not worth landing, and are allowed to expire in the boats to save the dollar a-head duty." These remarks equally apply to the present state of this traffic. Arabs are more callous to the sufferings of slaves than to those of brute animals.

Captain Hamerton further reported, in a letter to the Secretary to the Government, Bombay, dated the 2nd January, 1842, as follows:—"The Arabs from the Pirate Coast in the Persian Gulf yearly take a number of slaves by force from Zanzibar, yet the Imaum is unable to prevent them; he fears to do so. With respect to the suppression, or even the amelioration, of the Slave Trade which is carried on by the subjects of His Highness the Imaum and other Chiefs of the Coast of Africa, nothing can ever be effected by negotiation. The Imaum has not the power to interfere in this matter, even were he willing to do so, but he is not. Should Government determine to put a stop to the Slave Trade by sea, it can easily be done; but little or no assistance can be expected from the Imaum."

The state of the Slave Trade on the East Coast of Africa 20 years ago, as described in the above extracts, has continued up to the present time, in spite of Treaties, and of all the efforts of the British Government to put a stop to it. I believe that, with the exception of the Sultan himself, every Arab in Zanzibar is, and always has been, engaged in this traffic. I know that the Sultan's next brother, by name Abdool Wahab; his nephew, Sayyid Saood; his cousin, the nominal Governor of the town, by name Sayyid Sulciman; the Chiefs of the Shakshee tribe, and the chief Cazee of the town, were all engaged in supplying slaves to Spanish and French vessels. So little secrecy is observed, that vessels belonging to Somalis and Northern Arabs lie at anchor and embark slaves just beneath the windows of the Sultan's palace. Unless a British cruizer happens to be in the harbour, there is absolutely no check whatever to the illegal export of slaves. I know of one Somali vessel which, this year, embarked 150 slaves; and of another which was at anchor for 3 days after having embarked 160 slaves; and of a third vessel which embarked 141 slaves. I informed the Sultan of the last, and procured the re-landing of the slaves, and at my

request His Highness has given to each of these slaves a certificate of emancipation.

One of the Arab vessels captured by Her Majesty's ship *Sidon* had shipped 67 slaves in the harbour of Mombass. I asked the Arab Commander how he could have done so without the connivance of the authorities. He replied that he had not attempted any concealment, and that, whilst there, five other vessels had embarked slaves for the north; and that the Governor of the place told them that they were doing no wrong, as the shipment of slaves was not forbidden by the Sultan. At Keelwa and Lamoo the slaves are also openly embarked; and from Keelwa alone 18 large dhows, filled with slaves, have sailed north (to the Persian Gulf and Arabian coast) this season.

The first season after my arrival at Zanzibar affairs were in a very unsettled state, owing to the expected invasion from Muscat, and therefore the Sultan had no time to interfere with the northern Slave Trade. Last year His Highness informed me that, in order to prevent the Gulf Arabs procuring slaves, he had prohibited the slave-market entirely during the north-east monsoon, whilst these Arabs remained here; and that he had also ordered his frigate *Piedmontese* to be stationed near the north end of the island to examine all Joasmee and Sooree dhows, and to prevent all but regular traders from entering the harbour.

Nevertheless, the slave-market was carried on daily, morning and evening, just outside the town, and the northern Arabs were permitted to purchase slaves to any extent. The *Piedmontese* was moved down to a narrow channel at the entrance of the harbour, but she had scarcely any crew, and did not stop or board a single dhow during the whole season. The only object of His Highness appeared to be, to induce me to think favourably of his efforts to suppress this traffic and report to Government accordingly.

The stoppage of the export of slaves from Zanzibar in Spanish and French vessels has been already effected, and all British subjects have been prohibited from purchasing or holding slaves, and from taking them as security either for money advanced or for goods; and if this northern Slave Trade can be suppressed, the bringing of the slaves from a long distance to the coast for sale will be no longer profitable; for, in spite of their having carried on this traffic to so great an extent for so many years, the Arabs in Zanzibar and on the East Coast of Africa are yearly becoming more and more impoverished: their own detestable vices, and the diseases they engender, are destroying them, and all their landed property is passing into the possession of British-Indian subjects, and thus the Arabs can no longer afford to purchase many slaves for their own use.

This Slave Trade has been this year checked for the first time on this coast by Her Majesty's ships *Lyra* and *Sidon*, which have together captured 25 vessels engaged in it, and redeemed a large number of slaves; if the blow it has received be followed up by active measures next year, it will prevent most of the piratical tribes of the Persian Gulf from coming to this coast in future, and thus put a stop to at least half the traffic in slaves on the East Coast of Africa. I trust that the day is approaching when the export of slaves from the East Coast of Africa will be entirely prohibited, for not only is this traffic a curse to Africa, and fast draining a fine fruitful country of its inhabitants, but it is equally a curse to the Island of Zanzibar, checking legitimate trade, and rendering the Arab population most degraded, idle, and sensual.

Until the export is entirely put a stop to, I am of opinion that the measures adopted to check the traffic in slaves with the Persian Gulf and coasts of Arabia should be entirely directed to the coasts of Africa. If two steam gun-boats were stationed at Zanzibar during the months of March and April, and also during the months of September and October, scarcely a vessel could escape; during the other months native vessels cannot go north, owing to the winds. Probably in two years this trade would be entirely stopped, and the piratical Arabs of the Gulf would find some more profitable occupation than coming to this coast for slaves. No place on the east coast is so well adapted as a station for vessels employed in checking the Slave Trade as Zanzibar, owing to the presence of a British Consul, and so many British subjects engaged in commerce who have correspondents at every place on the coast: information can always be obtained relative to the movements of slave-ships.

The experience of many years has proved that the efforts of the British cruisers in the Persian Gulf and on the coasts of Arabia to check this traffic have met with very little success, and from the open manner in which it is carried on, it is evident that the risk of capture in the Gulf is scarcely regarded at all by those engaged in it, and that all the Maritime Chiefs connive at it, and some of them send their own agents here to purchase slaves. I believe that not even one per cent. of the slaves taken north every year are captured by the British cruisers.

A further reason in favour of making the chief efforts for the suppression of this traffic on the coast of Africa instead of on the coast of Arabia, or in the Persian Gulf, is the suffering and mortality among the slaves before they reach the latter coasts. A dhow which was captured by Her Majesty's ship *Lyra*, only a few hours after it had quitted this harbour with 105 slaves on board, was so unbearable from the stench, that every man of the *Lyra* who went on board it to take out the slaves' provisions was immediately

taken ill, and the surgeon procured the immediate destruction of the dhow. Had this vessel not been captured, in all probability not one slave would have survived the voyage to Arabia. In addition to this the Arabs frequently cut the throats of all the slaves, and throw the bodies overboard, if they meet a Government vessel out at sea. The captured slaves are also more easily disposed of at the Mauritius, Seychelles, and Port Natal, than if taken to Bombay.

The Zanzibar Arabs are fully prepared to expect the entire abolition of the Slave Trade as a circumstance they cannot avert; they have had the experience of the emancipation of all the slaves (in number 5,891 up to this day) belonging to British subjects in the Zanzibar dominions, and they perceive that their interests are in no way injuriously affected by it, and that their plantations are as well tilled by free labourers as before by slaves.

C. P. RIGBY.

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*No. 99.—Lieut.-Colonel Rigby to Lord J. Russell.—(Rec. Sept. 18.)*  
 MY LORD, *Zanzibar, July 26, 1861.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch to my address, dated February 19, 1861, directing me to suggest to His Highness the Sultan that orders should be given by him, prohibiting, under severe penalties, the transport of slaves coastwise, from one portion of his dominions to the other; and also to propose to His Highness that he should conclude an Additional Article to the Treaty between Zanzibar and Great Britain, by which the Commanders of British cruizers should be authorized to seize and detain all vessels under the Zanzibar flag engaged in the coasting trade, on board of which slaves may be discovered.

I received the above despatch on the 30th of May last, and the following day I waited on His Highness, and communicated the purport of it to him; and I pointed out to him that the former Treaties entered into by the late Imaum with the British Government to put a stop to the export of slaves from his African dominions, had been rendered nugatory in consequence of all the Arabs of Zanzibar continuing to export, every year, thousands of slaves without any check whatever. I told him that in the Portuguese dominions, on both coasts of Africa, the transport of slaves coastwise was prohibited, and that after 15 years have elapsed all slaves in any Portuguese territories will be free. I also told him that the Sultan of Turkey and the Shah of Persia have forbidden the traffic in Negroes, and therefore I trusted that he would not hesitate to comply with the wishes of the British Government to effectually put a stop to the extensive export of slaves from his ports on the African coast. His Highness replied, that so far as regarded him-



self he was well aware of the evils and miseries of the Slave Trade, and would prefer that no man in his dominions should be a slave, but that the Arabs here are very jealous of any interference in the traffic. He further said that he thought there could be no difficulty in complying with your Lordship's request, provided that slaves might still be brought to the Islands of Zanzibar and Pemba from the mainland. I told him that the permission to continue taking slaves to the Island of Pemba would only perpetuate the evil it was the object of your Lordship to eradicate, and that if he were willing to comply with the request, or with the exception of the permission to continue the import of slaves into the Island of Zanzibar alone, I begged that he would communicate to me his wishes in writing for submission to your Lordship. On my taking leave His Highness said that he would consider the subject, and write to me regarding it.

A few days afterwards I again waited on His Highness, and talked with him on the subject; and requested him to give me an answer in writing, and he again promised to do so.

Shortly after this His Highness was taken ill, and for some time was unable to attend to any business. On his recovery, I again pressed him for an answer, and received similar evasive replies. As a vessel is about to leave this port for Aden this day, I called on His Highness 3 days ago, and told him that two months have elapsed since I communicated to him a letter from Her Majesty's Government, and that your Lordship would expect an answer. His Highness being aware that I have applied for leave to proceed to Europe on medical certificate, and am daily expecting the arrival of an officer from Bombay to relieve me, said that he would send an answer to your Lordship by me when I proceeded to England. I told him that my departure is uncertain, and that I must beg him to give me an answer without any further delay. He then promised to do so during that day; but he failed to keep his promise, and has sent me a letter at 11 o'clock A.M. to-day, knowing that the vessel for Aden sails at mid-day. A translation of His Highness' letter is herewith inclosed.

His Highness has evidently delayed sending me an answer until just as the vessel is starting, in order to prevent my having an opportunity of remonstrating with him on his having replied in terms so entirely at variance with those I had been led to expect from his conversation on the subject. I shall not fail, however, to impress on His Highness the propriety and necessity of his compliance with the request made to him, and I trust that he will be induced to do so.

I have, &c.

*Lord J. Russell.*

C. P. RIGBY.

(*Inclosure.*)—*The Sultan of Zanzibar to Lieutenant-Colonel Rigby.*  
 (After compliments.) (Translation.)

RESPECTING what you mentioned to me regarding the desire of the Right Honourable Lord John Russell, Her Majesty's Minister for Foreign Affairs, that I should prohibit the transport of slaves from Keelwa to my possessions on the coast of Africa, within the limits in which it was permitted by the Treaty concluded between my late father Sayyid Said Ben Sultan and Her Majesty the Queen, including the Islands of Zanzibar and Pemba; my friend, it is my wish to comply with all the desires of the British Government, but these countries cannot do without slaves, they differ from other countries, and you are fully acquainted with the circumstances of these parts, and that when the slaves of the Hindees (*i.e.*, the Mahometan natives of India) and of the Banians (*i.e.*, the Hindoo natives of India) were emancipated it caused great injury to these countries, and a decrease, in the trade, and put a stop to business, and caused a decrease in the import revenue, and impoverished the people and made them bankrupt; and if I put a stop to the traffic in slaves it will ruin these countries, and it will ruin my subjects; and I am certain that the British Government would never agree to this—for the British Government is far off, and is ignorant of the circumstances of these countries.

Written on the 17th day of the month Mohurram, in the year 1278 of the Hegira, corresponding to July 25, A.D. 1861.

(The seal of His Highness Sayyid Majid bin Said,  
 Sultan of Zanzibar.)

No. 100.—*Lieut.-Colonel Rigby to Earl Russell.*—(*Rec. Dec. 12.*)  
 MY LORD, Lamoo, October 5, 1861.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch dated 7th June, 1861, with inclosure, relative to a party of Makololo Africans, who in the latter part of the year 1855 left their country under the guidance of an Arab, by name, Said bin Habeeb bin Salem Lafifi, to trade on the Western Coast of Africa, none of whom have since returned to their homes, and it is suspected that they have been sold into slavery by the Arab Said bin Habeeb.

This Arab returned to Zanzibar in the year 1860; he was not accompanied by any Makololo Africans, and although he frequently called on me, he never alluded to them. He remained a short time at Zanzibar, and then left to return to the country of the Casembi, situated to the west of the great Lake of Nyassa, and about 4 months' journey from the East Coast. He informed me that his father was residing there, and that he should return there to settle; he had married the daughter of an African Chief.

Some months ago I received a private letter from Dr. Livingstone, requesting me to make inquiries on this subject, and I did so, and also applied to His Highness the Sultan for information. He replied that he had never heard of such people, and that Said bin Habeeb is now residing far beyond the reach of his authority.

I think it very doubtful whether Said bin Habeeb will ever return to Zanzibar: should he do so at any future time, he will be called on to explain what has become of these men. I think it very probable that he enticed them to Mozambique or Quillimaue, and sold them to the French slave-agents, as he returned to Zanzibar from the south of the Lake Nyassa, and on his journey some of his party met Dr. Livingstone near Lake Shirwa, and none of the Makololo were then with him.

I have, &c.

Earl Russell,

C. P. RIGBY.

No. 101.—*Lieut.-Colonel Rigby to Earl Russell.*—(Rec. Dec. 12.)

MY LORD,

Lamoo, October 5, 1861.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch dated 20th May, 1861, instructing me to acquaint His Highness the Sultan Sayyid Majid of Zanzibar, that my conduct in demanding the instant dismissal of Sayyid Saood bin Hillal from the Governorship of Lamoo, for his conduct towards Salim Jubran, has been entirely approved by Her Majesty's Government, and that Her Majesty's Government will hold the local authorities responsible for any injuries that may be committed, either upon Salim Jubran, or on any other person who may be employed in furnishing myself or Her Majesty's naval officers with information respecting the Slave Trade.

The above despatch had been sent from Aden by the French ship *Vidal*, which was wrecked off Lamoo about two months ago, and I therefore only received it on my arrival here on the 1st instant; I will in consequence forward it to my successor at Zanzibar by the earliest opportunity, in order that your Lordship's instructions may be communicated to His Highness the Sultan.

On my arrival off Lamoo on board Her Majesty's ship *Gorgon*, I was much surprised to find that Sayyid Saood bin Hillal had reassumed the office of Governor of Lamoo; and I was informed that the very day after my departure from Zanzibar on board Her Majesty's ship *Gorgon*, His Highness the Sultan had despatched Sayyid Saood as Governor to Lamoo on board one of his ships of war.

During the time that Sayyid Saood was previously Governor of Lamoo, and subsequent to his outrageous conduct in seizing and binding with cords in open day Salim bin Jubran, and openly boasting of his intention to put him to death for giving me information

about the slave traffic carried on by Buona Ventura Mas, he seized and kept in confinement for a period of 4 months a man by name Hajee Noor, solely because he was proceeding to the country inhabited by the Abghai tribes of Somalis, to inquire after the supposed survivors of the wreck of the British ship *St. Alb.* I had provided Hajee Noor with several copies of the printed Proclamation in the English and French languages issued by the Government of Mauritius relative to the supposed captives, and I also gave him several copies of a Proclamation in the Arabic language relative to them. The Mauritius Proclamation was surmounted by Her Majesty's Royal Arms, and the Arabic Proclamation was sealed with the official seal of the Zanzibar Consulate. Sayyid Saood, then Governor of Lamoo, took all these papers from Hajee Noor and destroyed them. Owing to the unfrequent communication, I did not hear of this gross outrage for 4 months: I then called on His Highness the Sultan, and denounced the conduct of Sayyid Saood in the strongest terms. The Consul of The United States also remonstrated with His Highness earnestly on the impropriety of employing Sayyid Saood in any office of responsibility.

The principal firm of Hamburgh merchants at Zanzibar, Messrs. O'Swald and Co., had sent one of their vessels to Lamoo to purchase cargo, at the time Sayyid Saood was Governor there. On its arrival he issued a notice forbidding the inhabitants to sell any goods or produce to Messrs. O'Swald, until they had first offered them to Buona Ventura Mas, the slave-agent.

On one occasion Sayyid Saood put to death an inhabitant of Lamoo without any trial, for not coming quick enough when summoned to appear before him.

The Arab Munshee of the Consulate, whom I despatched to Lamoo to ascertain the truth of Hajee Noor's treatment, reported to me that Sayyid Saood had provided 300 slaves for the Spanish ship *Formosa Estrella*, and when that vessel was seized, he sent these slaves to Tula and sold them to northern slave-dealers.

I have, &c.

Earl Russell.

C. P. RIGBY.

No. 102.—Lieut.-Colonel Rigby to Earl Russell.—(Rec. Dec. 12.)

MY LORD,

Lamoo, October 5, 1861.

WITH reference to my despatch to your Lordship's address dated the 27th of July, 1861, inclosing a translation of an Arabic letter I had that day received from His Highness Sayyid Majid, Sultan of Zanzibar, declining to comply with your Lordship's request that he should consent to a modification of his Treaty with Her Majesty for the suppression of the Slave Trade, so as to authorize Her Majesty's ships to seize and detain any vessels under

his flag found transporting slaves coastwise within his dominions; I have the honour to state that the following morning I called on His Highness and remonstrated with him on his refusal, and on his having sent me an answer to your Lordship's despatch so entirely at variance with what he had repeatedly promised to send.

On this occasion I took with me several copies, in Arabic, of a translation of part of a despatch addressed several years ago to Lieutenant-Colonel Hamerton by Viscount Palmerston, instructing him to inform His Highness the late Imaum, that the traffic in slaves carried on by his subjects was doomed to destruction, and that Great Britain was the chief instrument in the hands of Providence for the accomplishment of this object, and that it is useless for these Arabs to oppose what is written in the book of fate, and that if they persisted in the continuance of this traffic it would involve them in trouble and losses, and they had, therefore, better submit to the will of Providence, and abandon this traffic, and cultivate their soil, and engage in lawful commerce.

I distributed these copies among the chief Arabs present, and I told His Highness that the Treaties which had been entered into several years ago for the suppression of the export of slaves to the coasts of Arabia and Persia had never been regarded in the very slightest degree by the authorities or subjects of Zanzibar, and that although many thousands of slaves are annually exported from Zanzibar to the North, and that the traffic is openly carried on by all the chief Arabs at Zanzibar, I had never heard of a single instance of a person being punished, according to the Articles of the Treaty of 1847, for being engaged in this traffic. I told His Highness that a continuance of this cruel traffic in human beings could no longer be permitted, and that Her Majesty's Government would certainly insist on the faithful observance of Treaty engagements.

I also alluded to the impropriety of His Highness stating in his letter that the emancipation of the slaves illegally held in slavery by the British-Indian subjects residing in the Zanzibar dominions had caused ruin and destruction of trade, such statement being, as His Highness is fully aware, entirely unfounded.

I also took with me on this occasion a copy of the "Evening Mail" of the 27th of February, which had just reached me, containing a report of the debate in Parliament on Slave Trade; and in order to show the results which had been accomplished by the efforts of the British Government to put a stop to the export of slaves in other parts of Africa, and the importance which was attached to this subject by Her Majesty's Government, and by the British nation, I translated to His Highness, sentence by sentence, the speeches of Viscount Palmerston and your Lordship.

As His Highness had stated that Arabs could not do without slaves, and that the stoppage of their import would ruin his subjects, I translated to His Highness the Treaty for the suppression of the Slave Trade between the Sultan of Johanna and Her Majesty, and I pointed out to him that here was an island, with an Arab population, and a climate and productions very similar to those of Zanzibar; that the Sultan had faithfully fulfilled his Treaty engagements, and that instead of the abolition of the Slave Trade having proved injurious, the trade and wealth of Johanna were annually increasing.

His Highness begged me not to consider his letter as his real answer to your Lordship's request, adding, "You know it is an Arab custom to always give an evasive answer at first, and not to comply with anything requested without the appearance of refusal at first." I replied that I had been very much astonished at receiving such a letter from His Highness, and that I felt certain that it would be very displeasing to your Lordship, and that Her Majesty's Government would certainly not be satisfied with such a reply made on behalf of Her Majesty. He then said that as I was going to leave myself soon (I had forwarded a medical certificate to Bombay nearly 4 months previously), he would send your Lordship a satisfactory answer by me. I said, "Your Highness, to be satisfactory to Her Majesty's Government it must be very different to that which you sent me yesterday." He replied, "Inshallah, it will satisfy all that the English Government desire me to do."

On the 1st September Her Majesty's ship *Gorgon* arrived at Zanzibar, and as I was suffering from severe ill-health, I arranged to take a trip on board. I therefore called on His Highness, in company with Commander Wilson, R.N., commanding Her Majesty's ship *Gorgon*; we remained about two hours conversing with His Highness, chiefly on the subject of the Slave Trade, and, on taking leave, His Highness promised in a solemn manner to send me his promised reply to your Lordship; but up to the time of the departure of the *Gorgon*, I received no letter or communication of any sort from His Highness, and I ascertained that His Highness had not given any instructions to his Secretary to prepare a letter, and had no intention of sending any answer. And his bad faith and disregard of the advice of the British Government were shown by his sending Sayyid Saood as Governor to Lamoo directly after the departure of the *Gorgon*.

I have, &c.

*Earl Russell.*

C. P. RIGBY.

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and Her Majesty's Government have been informed that he is no longer in the employment of the French Consulate at Zanzibar, nor under French protection. I avail, &c.

*Senhor d'Avila.*

ARTHUR C. MAGENIS.

*No. 113.—Sir A. Magenis to Lord J. Russell.—(Received July 12.)*  
 MY LORD, *Lisbon, July 4, 1861.*

WITH reference to my despatch of the 5th ultimo, I have the honour to inclose herewith to your Lordship translation of a note dated the 27th ultimo, from M. d'Avila, in which his Excellency informs me that the necessary orders have been transmitted to the Governor-General of Mozambique, to prevent, by all the means in his power, Buona Ventura Mas from establishing himself in any of the Portuguese possessions on the East Coast of Africa, with the object of continuing his Slave Trade transactions.

I have, &c.

*Lord J. Russell.*

ARTHUR C. MAGENIS.

*(Inclosure.)—Senhor d'Avila to Sir A. Magenis.*  
 (Translation.) *Lisbon, June 27, 1861.*

WITH reference to the note which I addressed to you on the 4th instant, concerning the request which, by order of your Government, you made to me relative to the Spanish subject Buona Ventura Mas, I have the honour to inform you that, according to a communication which I received yesterday from the Minister of Marine, the necessary orders have been transmitted to the Governor-General of the province of Mozambique to prevent, by all the means in his power, the above-mentioned Mas from establishing himself in any of the Portuguese possessions on the East Coast of Africa, with the object of continuing his Slave Trade transactions.

I have, &c.

*Sir A. Magenis.*

ANTONIO JOSE D'AVILA.

*No. 114.—Sir A. Magenis to Lord J. Russell.—(Received July 12)*  
 MY LORD, *Lisbon, July 6, 1861*

WITH reference to my despatch of the 15th of May last, I have the honour to inclose herewith to your Lordship translation of a note, dated the 3rd instant, from M. d'Avila, in which his Excellency informs me that the Minister of Marine has transmitted to the Governor-General of Angola the necessary orders to prevent the slave-dealer Pamplona from establishing himself in that province.

I have, &c.

*Lord J. Russell.*

ARTHUR C. MAGENIS.



(*Inclosure.*)—*Senhor d'Avila to Sir A. Magenis.*

(Translation.)

*Lisbon, July 3, 1861.*

IN addition to the note which I addressed to you on the 21st of May last, with reference to yours of the 14th, manifesting the satisfaction of your Government at the good services rendered by the Portuguese cruizers on the West Coast of Africa in the suppression of the Slave Trade, and requesting that the authorities of Loanda might be recommended to be more active, and that the necessary measures might be taken to prevent the slave-dealer Pamplona from establishing himself in that province, I have the honour to inform you that the Minister of Marine communicated to me, under date of the 28th of June last, that he had on that day transmitted to the Governor-General of Angola a translation of your above-mentioned note, ordering him at the same time to adopt all the measures in the sense of that note.

I avail, &c.

*Sir A. Magenis.*

ANTONIO JOSE D'AVILA.

*No. 122.—Earl Russell to Sir A. Magenis.*

SIR,

*Foreign Office, December 31, 1861.*

I TRANSMIT to you herewith copies of despatches as marked in the margin from Her Majesty's Commissioners at Loanda, containing reports upon the cases of 5 small vessels brought for adjudication before the Mixed Commission Court established at that place on charge of being engaged in the Slave Trade.

I also inclose a copy of the Annual Report of the Commissioners on the Slave Trade for the year ending the 30th of September last.

These reports show, first, that great facilities have been afforded to the operations of the slave-traders by small coasting craft not belonging to subjects of His Most Faithful Majesty, but furnished by the authorities at Loanda with Portuguese papers; and secondly, the extent to which Portuguese subjects are engaged in this traffic.

Among the individuals shown to be actively engaged in the Slave Trade, are Senhor Luiz Leivas and Senhor Pamplona. The one is a nephew of the notorious slave-trader, Francisco Antonio Flores, to whom a large extent of land to the south of Loanda has been granted for the purpose of working copper-mines stated to exist in that locality; and the other, also notoriously known as a slave-dealer, is the person who on a former occasion when a launch belonging to him was detained by the Commander of Her Majesty's ship *Viper*, for irregularities in her papers, and on suspicion of being engaged in the Slave Trade, claimed compensation from Her Majesty's Government for the injuries which he alleged his cha-

racter would suffer by reason of the unfounded imputations made against him.

You will find the correspondence relating to this affair at pages 192 to 203 (Class A) of the printed papers on the subject of the Slave Trade which were laid before Parliament in the session of 1860.

It will be seen, moreover, that two individuals named Antonio Alves and José Viera Borges, also Portuguese subjects, were actually found on board the *Paquete de Moanda*, one of the captured vessels, when she was taken with slaves on board, several of whom, belonging to Senhor Pamplona, had been shipped in or near the harbour of Loanda; and although these persons are stated, in depositions made, to have assisted in the embarkation of a cargo of slaves on board an American brigantine, they were at the date of the Commander's despatch at large in the city of Loanda, having been admitted to bail when delivered up by the captors to the authorities at that place.

There is another matter which I adverted to in my despatch of the 15th of November last, and to which I have again to call your attention. I allude to the system which is stated to have recently sprung up, of shipping slaves from the province of Loanda to the island of St. Thomas under different denominations, sometimes as "domestic slaves" or "servants," at others as "libertos," and occasionally as "free negroes." No less than 415 of these negroes are stated to have been shipped from Loanda during the first 9 months of the present year, and you will perceive from the Commissioners' Report on this subject that nearly all these negroes, although provided with passports from the Government of Loanda, and appearing in the list of passengers published in the "Boletim Official" as "pretos livres," are not free, but are only taken on board the vessels which convey them to St. Thomas on the plea of their being so, for the purpose of evading the penalties of the Treaty.

I have to instruct you to address a note to the Portuguese Government, founded on the papers now transmitted to you, showing the complicity of Portuguese subjects in slave traffic, and the evasions of the Treaty practised by the shipment of slaves under various pretexts to the island of Thomas.

You will at the same time state, that while, on the one hand, Her Majesty's Government feel bound to believe that the Government of His Most Faithful Majesty are acting in good faith, and are in earnest in their endeavours to suppress the Slave Trade, they are equally convinced, on the other hand, that the intentions of the Portuguese Government in this respect are not carried into effect by the Portuguese authorities.

The reports which have reached Her Majesty's Government leave little room to doubt that during the past year two vessels succeeded in shipping cargoes of slaves from the Portuguese territory to the southward of Loanda; and the impunity with which Portuguese subjects notoriously known to be engaged in the Slave Trade have hitherto escaped the punishment due to their crimes, even when, as in the case of the two individuals Alves and Borges, referred to in the former part of this despatch, they are in the hands of the Portuguese authorities, cannot but encourage them to continue their unlawful pursuits.

One of the most effective measures for the suppression of this traffic would be the removal from the African Coast of those Portuguese subjects who are notoriously known to be engaged in the Slave Trade; but whatever steps the Portuguese Government may think proper to take to vindicate their good faith in this matter, Her Majesty's Government feel that they are justified in requiring that some more stringent and effective measures than have hitherto been taken, should be adopted by the Government of His Most Faithful Majesty to prevent Portuguese subjects and authorities from engaging in or conniving at the traffic in slaves.

I am, &c.

*Sir A. Magenis.*

RUSSELL.

## SPAIN.

*No. 130.—Lord J. Russell to Sir A. Buchanan.*

SIR,

*Foreign Office, February 19, 1861.*

I TRANSMIT to you, for your information, a copy of a note which I have received from the Spanish Minister at this Court, drawing the attention of Her Majesty's Government to the exertions made by the Spanish Government for the suppression of the Slave Trade in the Island of Cuba; and I also inclose a copy of my reply to M. de Isturiz's communication.

I am, &c.

*Sir A. Buchanan.*

J. RUSSELL.

*(Inclosure. 1)—M. de Isturiz to Lord J. Russell.*

*(Translation.)*

MY LORD,

*Spanish Legation, London, January 12, 1861.*

THE Spanish Government, desirous of proving to Her Britannic Majesty's Government the sincerity with which it fulfils, on its part, the stipulations relative to the Slave Trade, directs me to make known to your Excellency that in the first nine months only

of the year just now ended, the Spanish cruizers have captured in the waters of Cuba more than 2,000 Bozal negroes. I am also directed to assure your Excellency that the new Captain-General of that island is actuated by the utmost zeal on that point, as he has evinced by the trial, and dismissal, of certain authorities, who have not displayed a proper activity in preventing the landing of negroes.

I have, &c.

Lord J. Russell.

XAVIER E ISTURIZ.

(Inclosure 2.)—Lord J. Russell to M. de Isturiz.

M. LE MINISTRE,

Foreign Office, February 16, 1861.

I HAVE the honour to acknowledge the receipt of your letter of the 12th ultimo, stating that the Government of Her Catholic Majesty being desirous of proving to Her Majesty's Government the good faith with which it fulfils its engagements for the suppression of the Cuban Slave Trade, has directed you to inform me that in the first 9 months only of the past year, Spanish cruizers have captured in the waters of Cuba 2,000 Bozal negroes. And you add that you are further directed to assure me that the new Captain-General of Cuba is actuated by the utmost zeal for the suppression of this traffic.

I beg leave, in reply, to acquaint you, that Her Majesty's Government have received with satisfaction the communication which you have been good enough to make to me on this subject, though they fear that the slaves captured by Spanish cruizers during the period mentioned by you, bear but a small proportion to the number actually introduced into Cuba.

I am, &c.

M. de Isturiz.

J. RUSSELL.

No. 131.—Sir A. Buchanan to Lord J. Russell.—(Rec. March 27.)

MY LORD,

Madrid, March 20, 1861.

WITH reference to the Earl of Clarendon's despatch of the 14th April, 1857, on the subject of a landing of Bozal negroes at Sierra Morena, in the Island of Cuba, in the previous year, I have received a note from M. Calderon Collantes, of which I have the honour to inclose a translation, in reply to a communication which Lord Howden addressed to M. Pidal, at that time Spanish Secretary of State for Foreign Affairs, in conformity with the instructions conveyed to him in the Earl of Clarendon's above-mentioned despatch.

Your Lordship will learn from the inclosure, that Her Catholic Majesty's Government consider that the Marquis of the Havana, who was at the time Captain-General of Cuba, did everything in his power to punish the persons implicated in this transaction, by the dismissal from his office, and the subsequent imprisonment of the

subaltern Captain of Rancho Veloz, where the negroes were landed ; by arresting other suspected persons, and bringing the whole case before the competent tribunals ; and further, that Marshal Serrano, the present Captain-General, considers it quite impossible to elicit any further information respecting the case, more especially as the greater part of the occurrences mentioned in Lord Howden's note took place on the coast of Africa or in The United States.

I have, &c.

*Lord J. Russell.*

ANDREW BUCHANAN.

(*Inclosure.*)—*Señor Collantes to Sir A. Buchanan.*

SIR,

(Translation.)

*Madrid, March 2, 1861.*

THE General Direction of the Colonies, which was duly informed of the contents of your note of the 28th of April, 1857, has forwarded to me the original evidence obtained in the proceedings instituted by the superior authority in the Island of Cuba in 1856, on suspicion of a disembarkation of Bozal negroes in the jurisdictions of Sagua, Remedios, or Cardenas, and of its realization at the first-named place.

It appears from the tenour of the said evidence, that the strictest orders were issued at the proper time to all the authorities of Sagua and its neighbourhood, to take the requisite measures for the purpose of capturing the cargo which had been landed : that not only was the dismissal of the subaltern Captain of Rancho Veloz, where the disembarkation was effected, ordered, but he was confined in the Castle of Fernandina de Jugua ; the arrest of some individuals who appeared to be accomplices in this affair being likewise ordered, and the affair itself being made over to the competent tribunals : from all which proceedings you cannot do otherwise than acknowledge that the Governor of the Island of Cuba at that time, the Marquis of Havana, did everything in his power in the business.

At the same time I must mention to you that, according to information obtained from Captain-General Serrano, nothing is stated in the original evidence to bring to light the particulars contained in the note which I am answering, doubtless on account of his predecessor having been unable to discover the truth of the circumstances denounced.

The said General adds that, for his part, he also considers that it is not only unjustifiable, but even impossible, to institute investigations into this affair which would result in the discovery of the truth, so much the more on account of the chief part of the occurrences referred to in the above-mentioned note having taken place on the coast of Africa and in The United States ; and consequently there are no means attainable for discovering them, and proving their authenticity in the Island of Cuba.

I believe I have satisfactorily replied to the note from the Legation above referred to, and avail myself, &c.

*Sir A. Buchanan.*

S. CALDERON COLLANTES.

*No. 134.—Sir A. Buchanan to Lord J. Russell. (Rec. April 13.)*  
*My Lord, Madrid, April, 6, 1861.*

I YESTERDAY, in conformity with the instructions in your Lordship's despatch of the 30th ultimo, asked M. Calderon Collantes whether the Government of Her Catholic Majesty will avail themselves of the late increase to the strength of the Spanish squadron at the Havana to direct that the coasts of Cuba may be more closely watched, and that the slave-vessels which now carry on this traffic, almost with impunity, may be captured. His Excellency replied that I might state positively to your Lordship, not only that all the naval means at the disposal of the Spanish authorities on the Cuban station would be employed to arrest the proceedings of the slave-traders, but that Her Catholic Majesty's Government were building several vessels specially adapted for the efficient performance of that service.

I have, &c.

*Lord J. Russell.*

ANDREW BUCHANAN.

*No. 137.—Lord J. Russell to Mr. Edwards.*

SIR,

*Foreign Office, July 19, 1861.*

I HAVE received your despatch of the 7th instant, reporting that on the occasion of your communicating to Señor Calderon Collantes a copy of my despatch of the 29th of May last, his Excellency renewed to you the assurances of the Spanish Government that slavery would not be renewed in Santo Domingo. You add, that the Spanish Minister further said, that the public feeling in Spain was against the Slave Trade, and that the Spanish Government was using its best endeavours to put a stop to it, but that its total suppression could not be effected in a day, or before measures for substituting other labour were matured.

I have to instruct you to state to Señor Collantes that Her Majesty's Government are naturally anxious that the measures for the suppression of the Slave Trade, indicated in his communication to you, should be adopted as quickly as possible. There can be no question that Spain has equal facilities with Brazil for putting a stop to the Slave Trade if she is really in earnest on the subject. Let her employ an adequate portion of the large naval force which she has now in the Cuban waters in suppressing the slave traffic on the coasts of that island, giving prize-money to the captors, and severely punishing the authorities and others who may be engaged in or connive at the introduction of slaves into Cuba. If such measures

were pursued with vigour the slave traffic would expire in less than a year.

I am, &c.

*Hon. R. Edwárdes.*

J. RUSSELL.

*No. 138.—Lord J. Russell to Mr. Edwárdes.*

SIR,

*Foreign Office, July 19, 1861.*

I TRANSMIT herewith, for your information, a copy of a despatch which I have received from Mr. Forbes, Her Majesty's Consul at St. Jago de Cuba, inclosing copies of a correspondence which has passed between him and the Governor of the Province, relative to the disembarkation of a cargo of slaves within the Governor's jurisdiction.

You will perceive that while, on the one hand, Brigadier Letona, the Governor of Santiago de Cuba, arrested and sent to Havana for trial the parties engaged in the introduction of these slaves into the island, General Serrano, on the other hand, immediately released them.

I have to instruct you to take an opportunity of communicating the substance of Mr. Forbes' report to Señor Calderon Collantes: and you will at the same time point out to his Excellency the difficulty which Her Majesty's Government experience in reconciling the assurances recently conveyed to you that the Spanish Government are using their best endeavours to put a stop to the Slave Trade, with the acts of some of the Spanish authorities, as evinced in the conduct in this case of General Serrano.

I am, &c.

*Hon. R. Edwárdes.*

J. RUSSELL.

*No. 139.—Earl Russell to Sir J. Crampton.*

SIR,

*Foreign Office, August 10, 1861.*

I TRANSMIT to you herewith copies of despatches as marked in the margin, which I have received from Mr. Crawford, Her Majesty's Consul-General at the Havana, on matters connected with the Cuban Slave Trade.

You will perceive that Mr. Crawford's despatch of the 15th of June last has reference to the proceedings which were reported by Mr. Consul Forbes in his despatch of the 18th of May last, a copy of which was transmitted to Mr. Edwárdes, and formed the subject of comment in my despatch of the 19th ultimo.

I have to instruct you to take occasion to say to Marshal O'Donnell that Her Majesty's Government highly appreciate the loyal and faithful observance of his duty by Brigadier Letona.

The Spanish Government must be aware that the British nation, as well as the British Government, attach the highest importance to the extinction of the Slave Trade. It is notorious (whatever may



be the cause) that the Slave Trade Treaties between Spain and Great Britain are not executed, and it is impossible to persuade Europe or the world that what has been done in Brazil cannot be done in Cuba.

This is a matter, therefore, which deeply affects the friendly relations of Great Britain with Spain. It nearly concerns the honour and good name of the Spanish nation. Her Majesty's Government are persuaded that these considerations will have a powerful influence with Her Catholic Majesty. They are convinced also that the interests of humanity, and the honour of her Crown, are dear to the heart of Her Catholic Majesty. They have in consequence received the orders of Her Majesty the Queen to express her earnest desire that Her Catholic Majesty will take this subject into her deliberation, with a view to such steps as may give fresh glory to the reign of Queen Isabella, and form a new epoch in the history of civilization.

I am, &c.

*Sir J. Crampton.*

RUSSELL.

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*No. 142.—Sir J. Crampton to Earl Russell.—(Rec. September 9.)  
(Extract.)*

*San Ildefonso, August 25, 1861.*

IN obedience to the instructions contained in your Lordship's despatch of the 10th instant, I took the earliest opportunity of bringing the subject of the Slave Trade in Cuba under the attention of the Spanish Minister for Foreign Affairs

I said that my recent personal communications with your Lordship, as well as those in writing, both public and private, which I had since received, precluded the possibility of a doubt of the entire sincerity of Her Majesty's Government to cultivate the most friendly relations with Spain. I had lately had an opportunity of publicly expressing the personal sentiments of the Queen my mistress towards Her Catholic Majesty, and I could assure his Excellency that in doing so I had not been merely complying with an empty form, but faithfully stating the real sentiments of my Sovereign.

England, in fact, whether viewing the question as one of European or commercial policy, could not possibly have any interest at variance with the independence, the prosperity, and, consequently, the honour and good name of Spain.

It was, therefore, as his Excellency might well believe, peculiarly painful to me to be compelled to enter upon the discussion of a matter deeply affecting the friendly relations which Her Majesty's Government were so desirous of fostering, but which, so long as it remained in its present unsatisfactory position, must render abortive their best efforts to bring the national feelings between the two countries into harmony with their wishes—I meant the non-execution of our Treaties with Spain for the extinction of the Slave Trade.

Giving all credit to the sincerity of the desire of the Spanish Government at once to fulfil their engagements towards Great Britain, and to reap the honour of dealing a death-blow to a traffic which cannot but be odious to the immense majority of a free and generous nation such as Spain, it was nevertheless notorious that those Treaties are not executed; and I held in my hand letters from Her Majesty's Consular Agents in Cuba, which proved but too clearly that the traffic in slaves was still vigorously and successfully carried on in that island. It was difficult, I added, to persuade the British nation or Europe, that what has been accomplished by Brazil cannot be accomplished by the much superior means at the disposal of the Spanish Government.

Señor Collantes replied, that although he could not but feel inexpressibly pained at the reproaches of which the Spanish Government had been the object in regard to this matter (for what severer reproach could be addressed to an honorable nation than that of bad faith in its engagements?), he was not surprised at the language I now held to him. Nearly the same expressions had been made use of to him by a distinguished member of the British Cabinet, Lord Granville, who recently visited Madrid; and he could easily understand the position of the British Government and the feelings of the English nation in regard to this matter, although he must repeat that, when it came to be calmly looked into, it would be found that great injustice had been done to Spain. Her motives had been misapprehended; for of this he could assure me, had Spain found either that the execution of a Treaty engagement was an impossibility, or one which paramount political considerations rendered it necessary for her to decline, she would have taken the straightforward means of delivering herself from it which international law sanctions, and never have condescended to have recourse to the evasion of a Treaty which was distasteful to her, as a means of reducing it to a dead letter. This would be a course, I must allow him to say, inconsistent with the spirit of Castilian honour, which was not extinct in this nation, and a departure from which would call down its reprobation. But the truth was, that Spain neither designed to depart from her Treaty engagements, nor despaired of giving them the fullest execution, no matter what difficulties were thrown in her way, or to what obloquy she was exposed on the part of those who were unacquainted with the real circumstances of the case.

Spain had made efforts for the extinction of the Slave Trade, as he would prove to me by documentary evidence, and would continue to do so: but, in the first place, he would remark the difficulties inherent in the subject were not sufficiently appreciated; in the second, the real extent of the existing traffic, still, he confessed, too

large, was greatly exaggerated; and, in the third, the measures taken, and taking by the Spanish Government to check the evil have not been allowed time to bear their appropriate fruit.

As regarded the difficulties to be overcome, he would mention the exorbitant gains of the traffic, which impelled adventurers to encounter every risk in carrying it on. As long as Cuba was unprovided with a proper system for the importation of free labourers (a matter of great difficulty), this temptation would subsist. Another obstacle was the persistence of The United States' Government in refusing the right of foreign cruizers to ascertain whether vessels exhibiting their flag were entitled to do so. A third was, he must admit with regret, the want of integrity, in the discharge of their duties, of some of the officials of Spain in Cuba. This was an evil which Spain has inherited from despotism, but which the present Government were determined to root out.

Exaggerations as to the amount of the traffic were, his Excellency observed, natural enough, because in regard to illegal proceedings clandestinely carried on, there was no means by which the public could control the vague surmises which were sure to circulate. He thought, however, that he should be able to convince me that instead of 10,000, 20,000, or even 30,000 as had been alleged, not more than 5,000 or 6,000 negroes had been landed in Cuba in the course of the past year. Here his Excellency observed that, with much respect for Her Majesty's Consul-General at the Havana, he could not but think that he was in the habit of crediting somewhat too easily (*"avec légèreté"*) the reports which were brought to him on this subject.

With respect to the measures now being taken or contemplated by the Spanish Government for the purpose of extinguishing the Slave Trade, Señor Collantes said that one of the most essential was the organization of a system of importation of free labourers from India. This had hitherto been a matter of difficulty, because it was found that the principles and habits of these people differed so essentially from those of the inhabitants of the Island of Cuba,—which, his Excellency observed, enjoyed the blessings of the Christian religion,—that it required much care to assimilate them to the rest of the population. He trusted, however, that means would be found to render their labour available, and thus to diminish the profits of the slaver. Another was the searching inquiry into the conduct of the Spanish officials instituted by the Captain-General of Cuba, and the severe and immediate punishment of such of them as had been concerned in, or had connived at, the Slave Trade. He thought he should be able to convince me at a future interview, when he would communicate to me some despatches from

Marshal Serrano, that the Spanish Government have not been remiss in this respect, as I would perceive that many, and some very high, officials had been summarily dismissed.

I here took the opportunity of saying that it was highly gratifying to me to be able to call his Excellency's attention to conduct, on the part of a Spanish officer of high rank, eminently the reverse of that which his Excellency had so justly stigmatized. I alluded to the loyal and faithful observance of his duty by Brigadier Letona, the Lieutenant-Governor of Santiago de Cuba, which, I had received your Lordship's instructions to say, was highly appreciated by Her Majesty's Government.

His Excellency said he was acquainted with this gentleman, and seemed gratified by the favourable mention of his services.

Soñor Calderon Coliantes concluded our interview, which was interrupted by the necessity of his Excellency's attendance on the Queen, by saying that he would renew our conversation on this subject at an early period, and communicate to me several reports from Marshal Serrano, which he had lately received, and other documents which he trusted would do much to vindicate the good faith and sincerity of the Spanish Government in their efforts finally to suppress the Slave Trade.

*Earl Russell.*

JOHN F. CRAMPTON.

*No. 143.—Earl Russell to Sir J. Crampton.*

SIR,

*Foreign Office, September 13, 1861.*

I HAVE received your despatch of the 25th of August, and I have read with great interest the account of your conversation with the Spanish Minister of Foreign Affairs on the subject of the Cuban Slave Trade.

Her Majesty's Government are quite willing to admit that there are difficulties arising from various causes in the way of the entire extinction of this odious traffic. Still, the facts remain. Other nations have, like Spain, made Treaties for the suppression of the Slave Trade, and have been able to effect their object, whilst Spain has not done so.

Her Majesty's Government cannot doubt that a sufficient number of cruizers on the coast of Cuba, with directions to sweep the bays and search the creeks, would soon render the Slave Trade unprofitable to those who make nothing but profit by pursuing it.

I am, &c.

*Sir J. Crampton.*

RUSSELL.

*No. 148.—Sir J. Crampton to Earl Russell.—(Received December 22.)*

MY LORD,

*Madrid, December 10, 1861.*

I HAVE the honour to inclose the copy of a note which, in

obedience to the instructions contained in your Lordship's despatch of the 12th ultimo, I have addressed to the Spanish Minister for Foreign Affairs, embodying the substance of Mr. Crawford's Annual Report to your Lordship upon the Cuban Slave Trade.

Availing myself of your Lordship's permission to that effect, I have communicated a copy and translation of your Lordship's above-mentioned despatch to Señor Calderon Collantes.

I have, &c.

Earl Russell.

JOHN F. CRAMPTON.

*(Inclosure.)—Sir J. Crampton to Señor Collantes.*

M. LE MINISTRE,

Madrid, December 10, 1861.

A REPORT has been received by Her Majesty's Government from Mr. Crawford, Her Majesty's Commissary Judge in the Mixed Commission Court at Havana, upon the Cuban Slave Trade during the 12 months ended the 30th of September last.

I am instructed by Her Majesty's Government to communicate to your Excellency the substance of this Report, and in doing so to call the serious attention of Her Catholic Majesty's Government to the state of things represented by Mr. Crawford.

It would appear from Mr. Crawford's Report that the Slave Trade has been carried on during the last year with the same activity as it has been for several previous years, and that nothing which has yet been done has prevented slave-traders from launching into fresh adventures in the prosecution of their detestable traffic, as your Excellency will perceive by a glance at the tabular statement which I have the honour to lay before you herewith, of the number of slaves landed, and the proportion thereof captured by the Spanish cruisers and Spanish local authorities during the year.

Your Excellency will perceive that the number landed is 17,973, and the number captured 3,401; adding to this one-third (5,991), as has been customary, we obtain a total of no less than 23,964 as the computed amount of the importation.

Your Excellency will not fail to notice that although by far the greater number of the Bozal negroes captured have been taken by Her Catholic Majesty's cruisers, viz., 2,866, the Spanish local authorities have succeeded in capturing 535 only, and it is Mr. Crawford's opinion that, by the continued exercise of the same vigilance on the part of the Spanish naval officers, and by the increase of the number of vessels of a small draft of water, a serious check would be given to the traffic.

I have much satisfaction in adverting to the statement by Mr. Crawford of his conviction that his Excellency the Captain-General of Cuba is animated by the most sincere desire to put an end to the Slave Trade, and to compel the observance of the existing

**Treaty with Her Majesty's Government for its suppression; but Mr. Crawford adds his regret—and this is a point to which I am particularly instructed to draw your Excellency's attention—that the present state of the Spanish penal laws on this subject does not practically enable the authorities to reach the root of the evil. These laws, it appears, forbid any interference with the slave-traders after they may have succeeded in getting their recently imported cargoes of slaves conveyed to any estate or inhabited property, thus presenting a complete obstruction to the efficient action of the best-intentioned officers of the Spanish Government for the extirpation of the Slave Trade.**

The Captain-General being precluded by these enactments from seizing the illegally imported negroes, or taking them from any property or plantation, it is found, as Mr. Crawford states, extremely difficult to obtain sufficient legal proof of the guilt of the parties concerned to ensure their conviction before the only tribunals to which such offenders are amenable.

The vessels fitted out for the Slave Trade have, Mr. Crawford further states, for some time past, sailed under the flag of The United States. The greater part of them have been bought in that country, and have proceeded from thence to the coast of Africa, and he describes the various devices which are had recourse to in order to exempt them from seizure by the cruizers. When boarded, and the nature of their equipment excites suspicion, they allege that they are whalers, and that the extra number of boilers and casks which they carry are destined to reduce the blubber and to receive the oil. It is well known, however, that they are waiting for a favourable opportunity to take in slaves for the Cuban market, almost the only one which now remains open to them. When captured their flag and papers have usually disappeared, and they then bear no national character whatever.

The Captain-General has, it appears, several times expressed his opinion to Mr. Crawford that the best means of putting down the Slave Trade would be to declare it piracy, and to subject the masters, crews, and all concerned in the navigation of slavers to martial law; and Her Majesty's Government entirely concurring in the soundness of this suggestion, the adoption of which has been found most efficacious in other instances, trust that it will receive the best consideration of the Spanish Government.

I have the honour of inclosing herewith a list, furnished by Mr. Crawford to Her Majesty's Government, of the vessels reported to have sailed from Cuba to be employed in the Slave Trade since the 1st October last year, all of which it appears were, with two exceptions, under The United States' colours.

I beg to add the translation of a despatch addressed to myself

by Lord Russell on this subject, a copy of which I am permitted to place in your Excellency's hands. I avail, &c.

*Señor Collantes.*

JOHN F. CRAMPTON.

*No. 149.—Sir J. Crampton to Earl Russell.—(Rec. December 22.)*  
 MY LORD, *Madrid, December 17, 1861.*

I HAVE the honour to inclose the copy of a note which I have addressed to the Spanish Minister for Foreign Affairs, upon the subject of the destruction at Gallinas of a Spanish slaver by Her Majesty's ship *Torch*, and the attack of a Spanish gun-boat on the Liberian schooner *Quail*, at Monrovia. I have, &c.

*Earl Russell.*

JOHN F. CRAMPTON.

*(Inclosure.)—Sir J. Crampton to Señor Collantes.*  
 (Extract.) *Madrid, December 11, 1861.*

WITH reference to the events which gave rise to the attack by a Spanish gun-boat on the Liberian war-schooner *Quail*, which took place in the harbour of Monrovia on the 11th of September last, and to the fears entertained by the Liberian Government that an attack would be made on Monrovia by a Spanish naval force, in consequence of the seizure of a Spanish vessel in the Gallinas river by the *Quail*, and its subsequent destruction by Her Majesty's ship *Torch*, I have been furnished by Her Majesty's Government with the under-mentioned papers relating to this case, which I have the honour of now transmitting to your Excellency in copy :

Copies of a letter and its inclosure from Commander Smith, of Her Majesty's ship *Torch*, reporting his having seized and destroyed in the Gallinas river a schooner equipped for the Slave Trade, supposed to be Spanish, but without name, papers, or colours, to denote her nationality.

Copies of a despatch and its inclosures from the Governor of Sierra Leone, reporting the particulars of the attack recently made by the Spanish gun-boat on the Liberian schooner *Quail* in the waters of Monrovia.

Whatever may have been the merits of this case in the first instance, depending upon the question whether the place where the Liberian schooner detained the Spanish slaver was or was not within the limits of the Liberian territory, it is the opinion of Her Majesty's Government that such a question, if the Spanish authorities felt aggrieved at the seizure, might properly in the first instance have formed the subject of representation to the Liberian Government, and if the Spanish Government were not satisfied that the Liberian Government rightly possessed the territory claimed by them, a demand for redress might have followed.

But the conduct of the Commander of the Spanish gun-boat



in entering the waters of Monrovia under the guise of friendship; and deliberately opening fire upon a Liberian vessel, without, as far as Her Majesty's Government is aware, any communication with the officer in command, any warning to the Liberian authorities, or any attempt to procure redress by negotiation, appears to Her Majesty's Government to be a proceeding so utterly at variance with the usages of civilized nations that Her Majesty's Government cannot for a moment doubt that the Government of Her Catholic Majesty will disavow and disapprove of the proceeding of their officer.

*Señor Collantes.*

JOHN F. CRAMPTON.

## SPAIN (HAVANA).

### CONSULAR.

*No. 178.—Consul-General Crawford to Lord J. Russell.—(Received April 29.)*

MY LORD,

*Havana, April 1, 1861.*

I HAVE the honour of inclosing herewith to your Lordship, copies (from the "Gaceta del Gobierno" of the 30th ultimo) of a proclamation by his Excellency the Captain-General of Cuba; dictating the measures to which he alluded and which are referred to in my despatch of the 30th ultimo.

Doubtless, if there were officers who could be depended upon for honestly carrying out such dispositions, the arrest and punishment of a dozen of the principal owners of slaving expeditions, their agents and accomplices, would operate very powerfully to check the progress of the inhuman traffic, and if enforced and persisted in, the Slave Trade would have to be abandoned by all the wealthy and influential who are now engaged in it, a class most numerous, but whose actions are closely veiled in that respect.

Such, however, are the enormous profits, and such the depravation already produced by the demoralising effects of the Slave Trade, that I am apprehensive the Captain-General's proclamation will only stimulate the traders to greater corruption in spite of his Excellency's good intention.

I have, &c.

*Lord J. Russell.*

JOS. T. CRAWFORD.

*(Inclosure.)—Proclamation.*

*Government Secretary's Office,*

*(Translation.)*

*Havana, March 28, 1861.*

INASMUCH as the measures availed of up to the present in accordance with the express orders of Her Majesty (whom God pre-

serve) for the suppression of the African trade, and its importations to this island, have not been sufficient, notwithstanding the persecution followed out by sea and land, and the seizure made of no small number of Bozals, and the prosecutions followed out on the occasion of each disembarkation, without omitting even the dismissal of the employés and agents of the Administration for negligence, deception, or other causes affecting the service: I have considered it absolutely indispensable to appeal to more rigorous and efficacious measures which, whilst they preserve the national honour and dignity, may serve to check those who, unmindful of such high considerations, have set the majesty of the law at defiance. I therefore order:—

1. That the Governors and Lieutenant-Governors, with all the means at their disposal, and under their personal and inexcusable responsibility, redouble their zeal and watchfulness against every scheme or attempt for the introduction of Bozal negroes.

2. That in case of seizure care be taken as to the housing, attendance, and good treatment of the Bozals rescued from the traffic, and remaining under the protection of the Government.

3. Without prejudice to the attributes of the judicial authorities, to whom notice should be given of the probabilities of, or attempts at, the disembarkation of Bozals, the Governors and Lieutenant-Governors will make executive investigations, under their authority, with the facts, information, and declarations which they may obtain.

4. That on no consideration are they to omit, on those investigations, the name of the importing vessel, the captain, and crew, nor that of the outfitters of the discovered expeditions, with their accomplices, receivers, or participators in the prohibited importation.

- 5th, and finally. That on the proceedings being transmitted to this my Government, I reserve to myself to proceed executively, as may be best suited to the Royal service, and in exercise of my authority against those who may appear to be outfitters and principal accomplices, or who have had part in the expeditions of this reprobated traffic; and be it published.

FRO. SERRANO

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## SPAIN (ST. JAGO DE CUBA).

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CONSULAR.

*No. 195.—Consul Forbes to Lord J. Russell.—(Received July 15.)*  
(Extract.) *St. Jago de Cuba, May 11, 1861.*

I HAVE the honour to transmit herewith, for your Lordship's information and guidance, translations of a correspondence which has taken place between the Governor of this province and myself, relative to an infraction of the Treaties for the suppression of the African Slave Trade, committed about the beginning of last month, in the vicinity of Guantanamo, by the disembarkation of a cargo of Africans, reported to be about 660 in number.

I likewise transmit to your Lordship a copy of the Captain-General Serrano's Proclamation, dated the 28th March last, giving publicity to the measures to be adopted by him against all parties engaged in that illicit and inhuman traffic; and on referring to Governor Letona's despatch of the 11th instant, your Lordship will observe that he acted in good faith and in conformity with Articles IV and V of said Proclamation, by arresting the consignee of the slaver, and his accomplices, and sending them on to the Havana for trial; and it is notorious that, had the law been impartially administered, there is no doubt that the guilty parties would have been convicted (as there was the most conclusive proof of their criminality), and sentenced to a certain period of penal servitude. The guilty parties were, however, immediately released on their arrival, and the consignee (Ducouran) returned to this port by a coasting steamer (*Maysi*) which sailed thence on the following day.

I have to acquaint your Lordship that the disembarkation denounced by me in my despatch of the 13th instant, was not effected. The vessel was at anchor two days, and some of her equipage sent on shore, but difficulties arose, and she put to sea again, and was seen for several days afterwards cruising off the land. The cargo, it is said, was a large one, and sickness and want of provisions prevailed on board.

*Lord J. Russell.*

JAMES FORBES.

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(Inclosure 1.)—*Consul Forbes to the Governor of St. Jago de Cuba.*  
MOST EXCELLENT SIR, *St. Jago de Cuba, April 22, 1861.*

WITH reference to the despatch which I had the honour to address to your Excellency under date of the 8th instant, denouncing a disembarkation, near Guantanamo, of negroes from the coast of Africa, to the number of 660 (as I have since been informed by an anonymous letter directed to me on the 9th current, copy of which is herewith transmitted for your perusal), I have to inform your Excellency that it is currently reported that another debarkation of

Africans has been effected at the same place, and by the same parties, within the last few days, and that two more cargoes are shortly expected from the coast.

It may not possibly have come to your Excellency's knowledge, although it is notorious, that a concession of sterile land, known as the "Posesion de Ocuja," in which Puerto Escondido is situated, has been lately purchased by parties resident in this place and the Havana, for the avowed purpose of reviving and carrying on the African Slave Trade in this province, in violation of existing Treaties for the suppression of that odious traffic.

I have, &c.

*The Governor of St. Jago de Cuba.*

JAMES FORBES.

(Inclosure 2.)—*The Governor of St. Jago de Cuba to Consul Forbes.*  
(Translation.) *Cuba, April 22, 1861.*

I HAVE received your Honour's official communication of to-day, advising me that it is currently reported that another disembarkation of negroes has been effected at the same place as that which is now being investigated in the jurisdiction of Guantanamo, and that it is notorious that a portion of sterile land has been purchased, in which Puerto Escondido is situated, for the purpose of reviving the Slave Trade.

I already had notice that another landing was expected, and also that measures to prevent it had been taken by the functionaries commissioned by me, in that territory, to investigate that of the 2nd current. I conclude that the disembarkation has not succeeded, because, since that already known, no negro has been introduced, according to the latest authentic official accounts.

With regard to the purchase of the sterile land, I take note of this information, and shall make such use of it as I can in my system of vigilance for the suppression of the African trade.

In conclusion, I beg to inform your Honour that in consequence of the measures I have taken, anticipating your communication of 8th current, investigations have been made, perhaps exceeding the limits prescribed by the laws on the subject, various persons have been arrested, and 22 negroes have been captured and placed at the disposal of the judicial authority who institutes the criminal proceedings, and who has to decide upon the case.

God preserve, &c

*J. Forbes, Esq.*

ANTO. LOPEZ DE LETONA

(Inclosure 3.)—*Consul Forbes to the Governor of St. Jago de Cuba.*  
MOST EXCELLENT SIR, *St. Jago de Cuba, May 11, 1861.*

I HAVE the honour to acquaint your Excellency that I am credibly informed that a suspicious vessel, supposed to be a slaver with a

large cargo of Africans on board, has been seen off the land on the coast of Guantanamo for some days past; the appearance of said vessel I am assured is positive, and as the parties interested in the expedition are on the spot, a landing may soon be expected.

If, therefore, my information should prove to be correct, and in case a disembarkation of the negroes has already been effected, I trust your Excellency will be pleased to issue such orders as will lead to the capture and seizure of said vessel and her contraband cargo, and award such punishment as your Excellency may consider meet to the parties interested in this illicit and inhuman traffic.

I have, &c.

*The Governor of St. Jago de Cuba.*

JAMES FORBES.

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(Inclosure 4.)—*The Governor of St. Jago de Cuba to Consul Forbes.*  
(Translation.) *Cuba, May 11, 1861.*

I HAVE perused the official communication which, under to-day's date, your honour has been pleased to make to me, stating that you are informed that a suspicious vessel, supposed to be a slaver with a large cargo of Africans on board, has been seen off the coast of Guantanamo for some days past; that the appearance of said vessel is positive; and that, as the parties interested in the expedition are on the spot, a disembarkation may soon be expected: at the same time expressing a hope that, in the event of this having already taken place, I should issue such orders as may lead to the capture and seizure of said vessel and her illicit cargo; with the rest that your honour thinks fit to communicate relative to the landing which you deem possible.

In reply, I beg to state that I received some days ago the information your Honour now gives me, and in virtue thereof Her Majesty's steamer *Bazan* was dispatched to reconnoitre the coast between Guantanamo and this port, and returned after having complied with my instructions, reporting that the only vessel met with during the trip was an Anglo-American barque in danger, to which assistance was rendered, as your Honour will have learned from the account given in the newspapers of this city.

Nevertheless, in case your Honour's communication should refer to some other vessel suspected of being a slaver, your Honour may be assured that I have ordered such preventive measures to be taken, by the Lieutenant-Governors of the Province, and Captains of Districts in this jurisdiction, as to induce me to hope that a landing will not be effected without the seizure of the cargo, and arrest of the importers and their accomplices; for in this matter, as in all those affecting the "national honour and the dignity of the Government," my extreme strictness is already proved.

Your Honour has just seen that I have carried matters to the

utmost extent of my power, with the wealthy merchant M. Charles Ducourau, the Lieutenant-Governor of Guantanamo, the Captain of the District of Yateras, in that jurisdiction, and the manager of the estate "Esperanza," all considered as accomplices in the late disembarkation effected in that quarter.

In conclusion, I hope that your Honour will continue to acquaint me with all that may come to your knowledge regarding this important subject, being assured that the information will be appreciated as it deserves, and that I shall issue such instructions, in accordance with it, as may best conduce to a satisfactory result.

God preserve, &c.

*J. Forbes, Esq.*

ANTO. LOPEZ DE LETONA.

(Inclosure 5.)—*Consul Forbes to the Governor of St. Jago de Cuba.*  
 MOST EXCELLENT SIR, *St. Jago de Cuba, May 18, 1861.*

I HAVE the honour to acknowledge the receipt of your Excellency's courteous despatch of the 11th instant, in reply to mine of same date, and in virtue of the solicitude evinced by you in that despatch to carry out faithfully, so far as lies in your power, the stipulations of the existing Treaties between our respective nations for the suppression of the Slave Trade, I have now the honour to acquaint your Excellency that it has just come to my knowledge, from undoubted authority, that a disembarkation of 1,020 Africans had been effected on the 8th instant at a small place called Macambo, about 20 leagues further up the coast than Puerto Escondido, for the same parties.

I am given to understand that their object in selecting this point was to avoid the intervention of the Guantanamo authorities, as Macambo is just beyond that jurisdiction.

The greater part of the cargo are to be brought, or are already in Guantanamo, so my information runs, and the rest are to be shipped at Baracoa per steamer *Maysi*, for the Havana on the 19th instant.

I have no doubt but that your Excellency will be pleased to adopt the most stringent measures for the apprehension and confiscation of the Africans, and award the corresponding punishment to the parties interested in the illicit traffic.

I have, &c.

*The Governor of St. Jago de Cuba.*

JAMES FORBES.

(Inclosure 6.)—*The Governor of St. Jago de Cuba to Consul Forbes.*  
 (Translation.) *Cuba, May 14, 1861.*

IN virtue of your Honour's official communication of yesterday, I have adopted proper measures in order that both the respective authorities and the Commissioners I expressly dispatch in the direc-

tion of the Guantanamo and Baracoa coasts, may investigate and follow up, without desisting, whatever may turn out to be true regarding the landing of 1,020 negroes at Macambo, as your Honour states, detaining any negroes that they may find, and in other respects complying with the Treaties and laws.

God preserve, &c.

*J. Forbes, Esq.*

ANTO. LOPEZ DE LETONA.

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(*Inclosure 7.*)—*Circular issued by the Captain-General of Cuba, March 28, 1861. [See Page 715.]*

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## UNITED STATES.

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*No. 202.—Lord Lyons to Lord J. Russell.—(Received February 18.)*

MY LORD,

*Washington, February 4, 1861.*

HAVING been unable to obtain an interview with the Secretary of State, I this morning, in execution of the instruction contained in your Lordship's despatch of the 29th of December last, requested the Chief Clerk of the State Department to express to him the satisfaction with which Her Majesty's Government had learnt the effective co-operation of United States' cruisers (as evinced by recent captures) in the efforts of Great Britain for the suppression of the Slave Trade.

I have, &c.

*Lord J. Russell.*

LYONS.

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*No. 205.—Lord J. Russell to Lord Lyons.*

MY LORD,

*Foreign Office, April 17, 1861.*

IN the despatches which I addressed to your Lordship on the 28th of April and the 22nd of September last, I instructed you to endeavour to ascertain from General Cass whether The United States' Government would be willing to co-operate with Her Majesty's Government for the suppression of the Slave Trade in Cuba, by establishing a joint system of cruising off the coasts of that island, so that a British cruiser might accompany an American cruiser, and in the event of a slaver being fallen in with furnished with American colours and papers, the American ship should capture her; whilst if she had no colours or papers, she should be lawful prize to the British ship.

I also instructed your Lordship to state to The United States' Government, that if the efforts of the American cruisers for the suppression of the Slave Trade should place at the disposal of The United States' Government a large number of rescued Africans



whom it might be inconvenient to send back to Africa, Her Majesty's Government would be willing to receive them in the British West Indian colonies, where they would find a free asylum and remunerative employment.

I have to instruct you to repeat these proposals to the present Administration. They appear to Her Majesty's Government to be well worthy of the consideration of the Cabinet of Washington, as affording practical means of dealing effectually with the Slave Trade, without interfering with the immunity of The United States' flag.

I am, &c.

Lord Lyons.

J. RUSSELL.

*No. 210.—Earl Russell to Lord Lyons.*

MY LORD,

*Foreign Office August 8, 1861.*

I TRANSMIT herewith, for your Lordship's information, copies of two despatches and of their inclosures from Sir Henry Huntley, Her Majesty's Acting Commissioner in the Mixed Commission Court at Loanda, relating to the cordial co-operation of the British and American cruisers in the suppression of the Slave Trade on the African coast.

I am, &c.

Lord Lyons.

RUSSELL.

*No. 212.—Earl Russell to Lord Lyons.*

MY LORD,

*Foreign Office, August 17, 1861.*

I TRANSMIT to your Lordship herewith a copy of a note which I have received from Mr. Adams, The United States' Minister at this Court, conveying the thanks of the President to Her Majesty's Government, and to Commander Bedingfeld, of Her Majesty's ship *Prometheus*, for the assistance rendered by that officer in the month of May last to Captain Nicholas, of The United States' ship of war *Constellation*, which enabled that officer to capture the American brigantine *Triton*, equipped for the Slave Trade.

The particulars of this capture, and the assistance rendered on the occasion by the Commander of the *Prometheus*, were reported by Sir Henry Huntley, Her Majesty's Acting Commissioner at Loanda, in his despatches of the 7th and 10th of August last, copies of which were transmitted to your Lordship in my despatch of the 8th instant. You will have seen also by these despatches that Captain Nicholas, on the other hand, furnished Commander Bedingfeld with the information which resulted in the capture by the *Prometheus* of the Spanish slave-vessel *Jacinta*.

I have to instruct you to communicate copies of Sir Henry Huntley's despatches to The United States' Government; and in doing so you will express to Mr. Seward the satisfaction with which Her Majesty's Government have learnt not only that British and

United States' officers have cordially co-operated for the suppression of the Slave Trade, but that this co-operation is highly appreciated by the President of The United States. You will also request Mr. Seward to be the medium of communicating the thanks of Her Majesty's Government to the Commander of The United States' ship of war *Constellation* for the information furnished by him to Commander Bedingfeld, of the *Prometheus*, which enabled that officer to capture the Spanish slave-vessel *Jacinta*.

I am, &c.

Lord Lyons.

RUSSELL.

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(Inclosure.)—Mr. Adams to Earl Russell.

MY LORD,

London, August 6, 1861.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of The United States, has the honour to inform the Right Honourable Earl Russell, Her Majesty's Principal Secretary of State for Foreign Affairs, that on the 21st of May, 1861, The United States' ship *Constellation* discovered the American brig *Triton* at Punta da Lenha, which had been fitted out as a slaver.

Captain Nicholas, of the *Constellation*, having no means of communicating with Punta da Lenha, intimated the fact to Captain Bedingfeld, of Her Majesty's steamer *Prometheus*, who instantly placed his steamer at the disposal of Captain Nicholas, with the offer to tow a boat with as many officers and men as he desired to send. The fourth cutter of the *Constellation* was accordingly manned and towed up the river by the *Prometheus*, and the *Triton* was taken possession of.

The President desires to express his high appreciation of the conduct of Captain Bedingfeld, on the occasion referred to. He has also instructed me to convey his thanks to Her Majesty's Government, and through them to Captain Bedingfeld, for his prompt co-operation with Captain Nicholas, by which means the slave-vessel was secured.

The Undersigned, &c.

Earl Russell.

CHARLES FRANCIS ADAMS.

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No. 213.—Lord Lyons to Earl Russell.—(Received September 16.)

MY LORD,

Washington, August 31, 1861.

I HAVE the honour to inclose a copy of a note with which, in obedience to the instructions contained in your Lordship's despatch of the 8th instant, I have transmitted to The United States' Secretary of State copies of Sir Henry Huntley's despatches to your Lordship of the 7th and 10th of June, and of their inclosures, relative to the cordial co-operation of British and United States' Naval Officers on the West Coast of Africa.

I have in the same note requested Mr. Seward to convey to Captain Nicholas, of The United States' ship *Constellation*, the thanks of Her Majesty's Government for information given by him to Commander Bedingfeld, of Her Majesty's ship *Prometheus*.

I have, &c.

Earl Russell.

LYONS.

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(Inclosure.)—Lord Lyons to Mr. Seward.

SIR,

Washington, August 30, 1861.

I AM directed by Her Majesty's Principal Secretary of State for Foreign Affairs to communicate to the Government of The United States the inclosed copies of despatches from Sir Henry Huntley, Her Majesty's Acting Commissioner at Loanda. They give an extremely satisfactory account of the results which have been produced by the cordial co-operation of British and United States' naval officers on the West Coast of Africa.

It appears that Captain Nicholas, of The United States' ship *Constellation*, furnished Commander Bedingfeld, of Her Majesty's ship *Prometheus*, with information which led to the capture of the Spanish slave-vessel *Jacinta*; on the other hand, Commander Bedingfeld was so fortunate as to be able to render assistance to Captain Nicholas, which contributed to the seizure of the *Triton*, an American brigantine equipped for the Slave Trade.

Her Majesty's Principal Secretary of State for Foreign Affairs has received a note dated the 6th instant, from The United States' Minister at Her Majesty's Court, expressing the President's appreciation of the conduct of Commander Bedingfeld. And his Lordship has desired me to express to you, Sir, the great satisfaction with which Her Majesty's Government have learned not only that British and United States' officers have cordially co-operated for the suppression of the Slave Trade, but that this co-operation is highly appreciated by the President of The United States.

I am, moreover, instructed to request you to be the medium of communicating to Captain Nicholas the thanks of Her Majesty's Government for the information furnished by him to Captain Bedingfeld.

I have, &c.

W. H. Seward, Esq.

LYONS.

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No. 218.—Earl Russell to Lord Lyons.

MY LORD,

Foreign Office, November 15, 1861.

I TRANSMIT herewith, for your Lordship's information, copies of a correspondence which has passed between The United States' Minister at this Court and myself, relating to the case of the American ship *Nightingale*, which vessel was fitted out at Liverpool for the Slave Trade, and to the probability that slave-traders will

resort to British ports to equip their vessels, now that they can no longer do so with impunity at New York. I am, &c.

*Lord Lyons.*

RUSSELL.

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(*Inclosure 1.*)—*Mr. Adams to Earl Russell.*

MY LORD,

*London, November 6, 1861.*

I HAVE the honour to submit to your Lordship's consideration copies of sundry documents which I have just received from the Secretary of State of The United States, tending to show a change in the mode of prosecuting the Slave Trade, which would seem to call for corresponding measures of repression on the part of Her Majesty's Government, in conjunction with the Government of The United States.

Doubtless, the fact has not escaped your Lordship's attention, that on accession to office of the President of The United States, his attention was immediately called to the investigation of the truth of the allegations heretofore made, of habitual and extensive violations of the laws prohibiting the fitting out of vessels for the purpose of prosecuting this piratical trade in the ports of The United States, and especially in New York, and to the duty of directing the whole energy of the Government to the prevention of all such unlawful undertakings for the future.

So vigorous and thorough have been the operations of the public officers in this direction, that I am happy to perceive in the report of the Marshal of the District of New York to the Secretary of State, which makes one of the papers now transmitted, the confident expression of his belief that the business which is clearly shown to have been extensively carried on from that point for some time past is now completely broken up so that the managers of it have found it necessary to devise some plan for changing the theatre of their preliminary preparations.

It will appear from the copies of the affidavits which I now have the honour to place under your Lordship's eye, that one of the new points to which the nefarious conductors of this trade are directing their attention is the port of Liverpool, within the Kingdom of Great Britain. It is shown that American vessels are now sent to that place, apparently on a legitimate voyage, but that after their arrival and discharge of cargo, they are fitted out by British citizens with all the appurtenances necessary to the conveyance of a cargo of negroes from the coast of Africa to the West Indies. Such seems to have been the course taken with the ship *Nightingale*, the capture of which, with the negroes on board, by a United States' vessel, has furnished the occasion for eliciting this information. The object of this application is, then, to solicit your Lordship's attention to this new view of the evil, and such co-operation on the part of Her

Majesty's Government in applying a remedy as may tend to an effectual and prompt removal of it.

I trust that it is needless to assure you of the earnest interest taken by the Government of The United States in the prosecution of all judicious measures to put a stop to this, the most crying abuse of the present century; and that, although circumstances beyond its control have, to some extent, impaired for a time its ability to labour in the work so far as it would desire outside of the national jurisdiction, yet that no effort shall be relaxed to redeem the reputation of the country from the stigma of any connivance or participation in such odious crime within its borders.

I am, &c.

*Earl Russell.*

CHARLES FRANCIS ADAMS.

(*Inclosure 2.*)—*Mr. Murray to Mr. Seward.*

*United States' Marshal's Office, Southern District of  
New York, New York, October 12, 1861.*

SIR,

I HAVE the honour to submit to you the affidavits of James Williams and William Howard, citizens of The United States, James Henderson, a native of Scotland, and Charles Brown, a native of Germany, who were a portion of the crew of the American ship *Nightingale*. This vessel, you will perceive, was cleared at this port for Liverpool, and there fitted out for a slave voyage to the coast of Africa. Information in my possession leads me to believe that it has not been an uncommon thing for vessels to receive their outfit in Liverpool, and sail thence on these infamous ventures. In this case the proofs are direct, and apparently conclusive.

The profits of this iniquitous traffic are so enormous in proportion to the outlay required, that those engaged in it do not hesitate to run the risks of capture, great as they have been made by the combined action of our own and the British Governments.

No means have been left untried to secure success, and the cunning, business talent, and money which have been employed in this illicit vocation are truly surprising. The principal importers of slaves have agencies established in many countries, and not unfrequently have been in collusion with public officers, and have employed the advantages of their official position to defeat the ends of justice. Until within a few months a very large proportion of the vessels engaged in the African Slave Trade have been fitted out at this port; but the recent vigorous action of our Government, in the arrest of merchants, masters, and seamen, and the seizure and condemnation of vessels, has virtually destroyed the business here. Hence, these people are seeking securer channels, where, being unknown, for a time they may escape detection. I have information that arrangements are being perfected to transfer their opera-

tions to Liverpool and other ports, and the interests of humanity and civilization require that the British Government should be advised of this fact, lest a profession which the law of nations has stamped as piracy should unwittingly be permitted to flourish in British ports.

The affidavits herewith submitted implicate certain residents of Liverpool in fitting out the *Nightingale* for a slave voyage. As the Government of Her Britannic Majesty will, no doubt, prosecute these parties as soon as these facts are laid before them, the witnesses now in my custody can be retained, subject to the order of the proper authorities, after Captain Bowen and his 3 mates have been brought to trial. Such a course would effectually prevent the fitting out of other slavers in British ports.

It will be perceived that the slave-traders endeavour to engage crews from among Germans and others ignorant of the English language, whose citizenship does not make them amenable to our Acts of Congress.

Believing that the Government of Her Britannic Majesty is earnestly desirous of co-operating with The United States in the effectual suppression of the African Slave Trade, I have the honour to submit respectfully these facts and suggestions for your consideration.

Very respectfully yours,

W. H. Seaward, Esq.

ROBERT MURRAY.

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(Inclosure 3.)—*Earl Russell to Mr. Adams.*

SIR,

*Foreign Office, November 11, 1861.*

I HAVE read with great interest your letter of the 6th instant relating to the Slave Trade.

I am happy to hear that the proceedings taken by The United States' Government to put an end to slave-trading enterprises in New York have been successful.

It is not surprising that the slave-traders when driven from one haunt should seek others.

I shall direct the closest investigations into this nefarious transaction at Liverpool, and all the powers of the law shall be put in motion with a view to prosecute to conviction the perpetrators of this odious crime.

Her Majesty's Government will always be ready to co-operate with that of The United States in the prosecution of judicious measures, with a view to the extirpation of this odious traffic, the remains of which inflict so large a portion of calamity on Africa, and are a disgrace to the age.

I am, &c.

C. F. Adams, Esq.

RUSSELL.

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## UNITED STATES (CHARLESTON).

## CONSULAR.

*No. 229.—Consul Bunch to Lord J. Russell. — (Received March 25.)*  
 MY LORD, *Charleston, March 8, 1861.*

I HAVE the honour to transmit herewith to your Lordship two copies of an Act of the Southern Congress, entitled "a Bill in relation to the Slave Trade, and to punish persons offending therein."

This Act, which seems to be of a sufficiently stringent character, differs principally from the legislation of The United States on the same subject in abolishing the punishment of death for slave-trading, and substituting lengthened terms of imprisonment and heavy fines. It also provides that "negroes, coolies, mulattoes, or other persons of colour" who may be found on board of any vessel captured for violating this Act, shall, in certain cases, be sold at public auction for the benefit of the Confederate States and of the informer.

The new Act follows the course of The United States' Law, in throwing the burden of proof upon the possessor in the case of a newly imported African, &c., who shall be found within the territory of the Confederate States.

It has often been alleged that the capital punishment, by which alone the offence of slave-trading could be punished under the legislation of The United States, acted with the juries as a bar to the possibility of a conviction. This difficulty, if it ever existed, has now been removed, as has the stigma of "piracy" attached to the traffic, which was supposed to offend the susceptibilities of the Southern people.

I have, &c.

*Lord J. Russell.*

ROBERT BUNCH.

*(Inclosure.)—A Bill in relation to the Slave Trade, and to punish persons offending therein.*

SECTION 1. The Congress of the Confederate States of America do enact, that no person shall directly or indirectly import, or bring in any manner whatsoever, into the Confederate States, or the territories thereof, from any foreign kingdom, place, or country (other than the slave-holding States of the United States of America), nor from the sea, any negro, mulatto, coolie, or person of colour, with intent to hold, sell, or dispose of any such negro, mulatto, or other person of colour, as a slave, or to be held to service or labour for any length of time whatever. And any ship, vessel, or other water craft employed in any importation as aforesaid, shall be liable to seizure, prosecution, and forfeiture, in any district in which she may be found; one-half thereof, after the payment of all expenses, to the use of the Confederate States, and the other half to the use of him or them who shall prosecute the same to effect.



Sect. 2. No citizen of the Confederate States, or any other person or persons, shall, for himself or other persons, either as master, factor, or owner, build, fit, equip, load, or otherwise prepare any ship or vessel, in any port or place within the jurisdiction of the Confederate States, nor cause any such ship or vessel to sail from any port or place whatsoever within the jurisdiction of the same, for the purpose of procuring any negro, mulatto, coolie, or person of colour from any foreign kingdom, place, or country (except as aforesaid), to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of as a slave, or to be held to service or labour. And if any ship or vessel shall be so built, fitted out, equipped, laden, or otherwise prepared for the purpose aforesaid, every such ship or vessel, her tackle, apparel, furniture, and lading, shall be forfeited : one moiety, after the payment of all expenses, to the use of the Confederate States, and the other to the use of such person as shall sue for said forfeiture, and prosecute the same to effect in any Court of the Confederate States.

Sect. 3. Any person violating the first section of this Act, or any provisions thereof, or aiding or abetting others in the violation thereof, on conviction thereof shall be punished by imprisonment in the penitentiary, or common jail if there be no penitentiary, of the State where the conviction may be had, where by the laws of the State such penitentiary or jail may be used for that purpose, and if not, in such other place as may be provided by law, for a term not less than 10 nor longer than 20 years ; and shall, moreover, be fined at the discretion of the Court, not less than 1,000 nor more than 5,000 dollars. And if any person within the Confederate States shall knowingly sell, purchase, receive, conceal, remove, or aid and assist in concealing or removing, any mulatto, coolie, or person of colour, so illegally imported as aforesaid, such person shall be guilty of a high misdemeanour, and on conviction shall be punished by a fine not less than 1,000 dollars and not exceeding 5,000 dollars. For all offences under this Act, each negro, mulatto, or person of colour illegally imported or sold, purchased, received, or removed knowingly as aforesaid, shall be held and considered as a separate offence.

Sect. 4. Every ship, vessel, boat, or other water craft, on which such negro, mulatto, coolie, or other person of colour shall have been taken on board, received or transported as aforesaid, her tackle, apparel, furniture, and lading, shall be forfeited—one moiety to the Confederate States and the other to the informer ; and all negroes, mulattoes, coolies, or other persons of colour so illegally imported as aforesaid, shall be arrested and held by the officers of the Confederate States, to be disposed of as hereinafter directed.

Sect. 5. Every person violating the provisions, or any of them, of sect. 2 of this Act, shall be guilty of a high misdemeanor, and on conviction shall be punished by imprisonment, as before pro-

vided, not exceeding 5 years, and a fine not less than 1,000 nor more than 5,000 dollars.

Sect. 6. Every negro illegally imported as aforesaid into the Confederate States shall be arrested by the Marshal or his deputies, or any officer of the said States charged in any manner with the execution of this Act, and shall be safely kept, subject to the disposition hereinafter provided. And the said officer shall immediately notify the President of the Confederacy of such arrest and confinement. The President shall, as soon as possible, communicate with the Governor of the State whence the vessel in which such negroes were imported cleared, if the same be one of the United States of America, and shall offer to deliver such negroes to the said State, on receiving a guarantee from such State that the said negroes shall enjoy the rights and privileges of freemen in such State, or in any other State of The United States, or that said negroes shall be transported to Africa, and there placed at liberty, free of expense to this Government. If such proposition be rejected, or if the contingency specified above shall not have occurred, the President shall receive any proposition which may be made by any responsible persons or society, who will furnish satisfactory guarantee to the President that such negroes will be transported to Africa, and there placed at liberty, free of expense to this Government; and if no such proposition shall be made within a reasonable time, the President shall cause said negroes to be sold at public outcry to the highest bidder in any one of the States where such sale shall not be inconsistent with the laws thereof, under such regulations as he may prescribe; the proceeds of which sale, after paying all the expenses incurred by the Government in the capture, detention, and sale of such negroes, and in the prosecution of the offenders, shall be paid, one-half to the informer (if he be *bonâ fide* such), and the other half into the Treasury of the Confederate States.

Sect. 7. All proceedings under this Act, and all offences against its provisions, shall be had and prosecuted in the District Court of the Confederate States held in the State in which, or upon the waters adjacent to which, the same may occur, or into whose port the vessel may be carried. And the writs, processes and other mandates issued from such Courts, shall run and be enforced in any State of this Confederacy, by the Marshal, or his Deputy, of the District which such State shall compose. And in the execution of this Act any Marshal or Deputy may summon as his posse any citizen or citizens of the Confederate States.

Sect. 8. All proceedings for offences committed against the provisions of this Act, or forfeitures incurred by the same, shall be barred unless commenced within 5 years from the time the same were committed or incurred, or from the time of the discovery of the same.

Sect. 9. No transfers of title to an innocent purchaser, with or without notice, for or without value, shall interfere with such forfeiture, but the same shall be declared at the instance of any informer. On such trials the informer or prosecutor shall not be required to allege or prove the name of master, owner, or consignee, nor the person from whom the negro was purchased, but shall only be required to satisfy the jury that such negro has been illegally imported. And on all such trials the person having such negro in possession shall be compelled to produce such negro in open Court for the personal inspection of the jury. On failure to comply with the order of the Court for such production, judgment of forfeiture shall go as of course, unless satisfactory excuse for such failure be offered to the Court.

Sect. 10. All other laws on the same subject shall be and the same are hereby repealed.

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*ACT of the British Parliament, "to afford Facilities for the ascertainment of the Law of Foreign Countries when pleaded in Courts within Her Majesty's Dominions."*

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[24 Vict. cap. 11.]

[May 17, 1861.]

WHEREAS an Act was passed in the 22nd and 23rd years of Her Majesty's reign [c. 63] intituled "An Act to afford Facilities for the more certain Ascertainment of the Law administered in one Part of Her Majesty's Dominions when pleaded in the Courts of another Part thereof:" and whereas it is expedient to afford the like facilities for the better ascertainment, in similar circumstances, of the law of any foreign country or State with the Government of which Her Majesty may be pleased to enter into a Convention for the purpose of mutually ascertaining the law of such foreign country or State when pleaded in actions depending in any courts within Her Majesty's dominions and the law as administered in any part of Her Majesty's dominions when pleaded in actions depending in the courts of such foreign country or State: be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows, viz.:

I. If, in any action depending in any of the superior courts within Her Majesty's dominions it shall be the opinion of such court that it is necessary or expedient, for the disposal of such action, to ascertain the law applicable to the facts of the case as administered in any foreign State or country with the Government of which Her Majesty shall have entered into such Convention as aforesaid, it shall be competent to the court in which such action may depend to direct a case to be prepared setting forth the facts as

these may be ascertained by verdict of jury or other mode competent, or as may be agreed upon by the parties, or settled by such person or persons as may have been appointed by the court for that purpose in the event of the parties not agreeing; and upon such case being approved of by such court or a judge thereof, such court or judge shall settle the questions of law arising out of the same on which they desire to have the opinion of another court, and shall pronounce an order remitting the same, together with the case, to such superior court in such foreign state or country as shall be agreed upon in said Convention, whose opinion is desired upon the law administered by such foreign court as applicable to the facts set forth in such case, and requesting them to pronounce their opinion on the questions submitted to them; and upon such opinion being pronounced a copy thereof, certified by an officer of such court, shall be deemed and held to contain a correct record of such opinion.

II. It shall be competent to any of the parties to the action, after having obtained such certified copy of such opinion, to lodge the same with the officer of the court within Her Majesty's dominions in which the action may be depending who may have the official charge thereof, together with a notice of motion setting forth that the party will, on a certain day named in such notice, move the court to apply the opinion contained in such certified copy thereof to the facts set forth in the case hereinbefore specified, and the said court shall thereupon, if it shall see fit, apply such opinion to such facts, in the same manner as if the same had been pronounced by such court itself upon a case reserved for opinion of the court, or upon special verdict of a jury; or the said last-mentioned court shall, if it think fit, when the said opinion has been obtained before trial, order such opinion to be submitted to the jury with the other facts of the case as conclusive evidence of the foreign law therein stated, and the said opinion shall be so submitted to the jury: provided always, that if after having obtained such certified copy the court shall not be satisfied that the facts had been properly understood by the foreign court to which the case was remitted, or shall on any ground whatsoever be doubtful whether the opinion so certified does correctly represent the foreign law as regards the facts to which it is to be applied, it shall be lawful for such court to remit the said case, either with or without alterations or amendments, to the same or to any other such superior court in such foreign State as aforesaid, and so from time to time as may be necessary or expedient.

III. If in any action depending in any court of a foreign country or State with whose Government Her Majesty shall have entered into a Convention as above set forth, such court shall deem it expedient to ascertain the law applicable to the facts of the case as administered in any part of Her Majesty's dominions, and if the

foreign court in which such action may depend shall remit to the court in Her Majesty's dominions whose opinion is desired a case setting forth the facts and the questions of law arising out of the same on which they desire to have the opinion of a court within Her Majesty's dominions, it shall be competent to any of the parties to the action to present a petition to such last-mentioned court, whose opinion is to be obtained, praying such court to hear parties or their counsel, and to pronounce their opinion thereon in terms of this Act, or to pronounce their opinion without hearing parties or counsel; and the court to which such petition shall be presented shall consider the same, and, if they think fit, shall appoint an early day for hearing parties or their counsel on such case, and shall pronounce their opinion upon the questions of law as administered by them which are submitted to them by the foreign court; and in order to their pronouncing such opinion they shall be entitled to take such further procedure thereupon as to them shall seem proper, and upon such opinion being pronounced a copy thereof, certified by an officer of such court, shall be given to each of the parties to the action by whom the same shall be required.

IV. In the construction of this Act the word "action" shall include every judicial proceeding instituted in any court, civil, criminal, or ecclesiastical; and the words "superior courts" shall include, in England, the superior courts of law at Westminster, the Lord Chancellor, the Lords Justices, the Master of the Rolls, or any Vice-Chancellor, the Judge of the Court of Admiralty, the Judge Ordinary of the Court for Divorce and Matrimonial Causes, and the Judge of the Court of Probate; in Scotland, the High Court of Justiciary, and the Court of Session, acting by either of its divisions; in Ireland, the superior courts of law at Dublin, the Master of the Rolls, and the Judge of the Admiralty Court; and in any other part of Her Majesty's dominions, the superior courts of law or equity therein; and in a foreign country or State, any superior court or courts which shall be set forth in any such Convention between Her Majesty and the Government of such foreign country or State.

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*TRAITE d'Amitié, de Commerce, et de Navigation entre la Prusse et la Turquie.—Fait à Constantinople, le 20 Mars, 1862.*

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SA Majesté le Roi de Prusse, agissant tant en Son nom et pour les autres Pays et parties de Pays souverains compris dans Son système de douanes et d'impôts, savoir: Le Grand-Duché de Lux-

\* Signed also in the German language.

embourg, les enclaves du Grand-Duché de Mecklenbourg-Rossow, Netzeband et Schoenberg, la Principauté de Birckenfeld du Grand-Duché d'Oldenbourg, les Duchés d'Anhalt-Dessau-Coethen et d'Anhalt-Bernbourg, les Principautés de Waldeck et Pyrmont, la Principauté de Lippe et le Grand-Baillage de Meisenheim du Landgraviat de Hesse, qu'au nom des autres Membres de l'Association de Douanes et de Commerce Allemande (Zollverein) savoir : la Couronne de Bavière, la Couronne de Saxe, la Couronne de Hanovre (tant pour elle que pour la Principauté de Schaumbourg-Lippe) et la Couronne de Wurttemberg, le Grand-Duché de Bade, l'Electorat de Hesse, le Grand-Duché de Hesse tant pour lui que pour le Baillage de Hombourg du Landgraviat de Hesse, les Etats formant l'Association de Douanes et de Commerce de Thuringe, savoir : le Grand-Duché de Saxe, les Duchés de Saxe-Meiningen, de Saxe-Altenbourg, de Saxe-Cobourg et Gotha, les Principautés de Schwarzbourg-Rudolstadt et Schwarzbourg-Sondershausen, de Reuss, ligne aînée et de Reuss, ligne cadette —, le Duché de Brunswick, le Duché d'Oldenbourg, le Duché de Nassau et la ville libre de Frankfort d'une part, et

Sa Majesté Impériale le Sultan d'autre part,

Etant animées du désir de régler de nouveau et de consolider par un acte spécial et additionnel, les rapports d'amitié et les relations de commerce et de navigation entre les Etats du Zollverein et la Sublime Porte ; ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi de Prusse : le Sieur Jean Louis Gui de Rehues, Conseiller de Legation, Chevalier de l'Aigle Rouge de troisième classe avec le Nœud et de l'Ordre Impérial du Medjidié de troisième classe, &c., son Chargé d'Affaires près Sa Majesté Impériale le Sultan ; et

Sa Majesté Impériale le Sultan : Seid Mohammed Emin Aali Pascha, son Ministre des Affaires Etrangères, décoré des Ordres Impériaux d'Osmanié, du Medjidié, et du Mérite de première classe, Grand-Croix de l'Aigle Rouge de Prusse, &c

Lesquels, après s'être donné réciproquement communication de leurs pleins-pouvoirs, trouvés dans la bonne et dûe forme, sont tombés d'accord sur les Articles suivants.

ART. I. Tous les points des stipulations commerciales précédentes entre la Prusse et la Sublime Porte, et nommément toutes les stipulations du Traité d'Amitié et de Commerce du 22 Mars, 1761\* (vieux style), autant qu'ils ne se trouvent pas en contradiction avec la présente Convention, sont maintenus et confirmés pour toujours et demeurent étendus, avec les droits et obligations qui en résultent, à tous les autres Etats Membres de l'Association de Douanes et de Commerce Allemande.

Les sujets et les produits du sol et de l'industrie, ainsi que les

bâtiments des Etats du Zollverein auront le droit, dans l'Empire Ottoman, l'exercice et la jouissance de tous les avantages, privilèges et immunités qui sont ou qui par la suite seraient accordés aux sujets, aux produits du sol et de l'industrie, et aux bâtiments de toute autre nation la plus favorisée.

II. Les sujets des Etats du Zollverein, ou leurs ayant-cause, pourront acheter dans toutes les parties de l'Empire Ottoman, soit qu'ils veuillent en faire le commerce à l'intérieur, soit qu'ils se proposent de les exporter, tous les articles, sans exception, provenant du sol et de l'industrie de ce pays.

Tous les monopoles qui autrefois, dans l'Empire Ottoman, frappaient les produits de l'agriculture ou autres productions quelconques sont et demeurent abolis pour toujours : de même la Sublime Porte renonce-t-elle à l'usage des Teskérés, demandés aux autorités locales pour l'achat de ces marchandises ou pour les transporter d'un lieu à un autre quand elles étaient achetées. Toute tentative qui serait faite par une autorité quelconque pour forcer les sujets des Etats du Zollverein à se pourvoir de semblables permis ou Teskérés, sera considérée comme une infraction aux Traités, et la Sublime Porte punira immédiatement avec sévérité tous fonctionnaires auxquels on aurait une pareille infraction à reprocher, et elle indemniserà les sujets des Etats du Zollverein des pertes ou vexations dont ils pourront prouver qu'ils ont eu à souffrir.

III. Les marchands sujets des Etats du Zollverein, ou leurs ayant-cause, qui achèteront un objet quelconque, produit du sol ou de l'industrie de la Turquie, dans le but de le revendre pour la consommation dans l'intérieur de l'Empire Ottoman, payeront lors de l'achat ou de la vente, les mêmes droits qui sont payés, dans les circonstances analogues, par la classe la plus favorisée des sujets Ottomans ou étrangers qui se livrent au commerce intérieur.

IV. Tout Article, produit du sol ou de l'industrie de la Turquie, acheté pour l'exportation, sera transporté libre de toute espèce de charge et de droits à un lieu convenable d'embarquement par les négociants sujets des Etats du Zollverein ou leurs ayant-cause. Arrivé là, il payera un droit unique de 8 pour cent de sa valeur, lequel sera abaissé chaque année de un pour cent, jusqu'à ce qu'il ait été réduit à une taxe fixe et définitive de un pour cent destinée à couvrir les frais généraux d'administration et de surveillance. Tout Article acheté au lieu d'embarquement pour l'exportation et qui aurait déjà payé le droit d'exportation, ne pourra en aucun cas, être soumis à un droit ultérieur d'exportation, si même il a changé de main.

V. Tout Article, produit du sol ou de l'industrie des Etats du Zollverein, et toutes marchandises de quelque espèce qu'elles soient, importées par terre ou par mer par des sujets des Etats du Zollverein, seront admises dans toutes les parties de l'Empire Ottoman, sans aucune exception moyennant un droit unique et fixe de 8 pour



cent, calculé sur la valeur de ces Articles à l'échelle et payable au moment du débarquement, si elles arrivent par mer, et au premier bureau de Douane, si elles arrivent par voie de terre.

Si ces marchandises après avoir acquitté le droit de 8 pour cent, sont vendues, soit au lieu d'arrivée, soit à l'intérieur du pays, il ne sera plus exigé aucun droit, ni du vendeur ne de l'acheteur.

Si n'étant pas vendues pour la consommation de la Turquie, ces marchandises étaient réexportées dans l'espace de 6 mois, elles seraient considérées comme marchandises de transit et traitées comme il est dit dans l'Article VIII. L'administration des Douanes serait dans ce cas tenue de restituer immédiatement au négociant qui fournirait la preuve que le droit de 8 pour cent a été acquitté, la différence entre ce droit d'importation et celui du transit spécifié dans l'Article VIII.

VI. Les articles d'importation étrangère destinés aux Principautés Unies de Moldavie et de Valachie et à la Principauté de Servie, et traversant les autres parties de l'Empire Ottoman, n'acquitteront les droits de Douane, qu'à leur arrivée à ces Principautés, et réciproquement les marchandises d'importation étrangère traversant ces Principautés pour se rendre dans les autres parties de l'Empire Ottoman, ne devront acquitter les droits de Douane qu'au premier bureau de Douane administré directement par la Porte.

De même les produits du sol ou de l'industrie de ces Principautés, aussi bien que ceux du reste de l'Empire Ottoman, destinés à l'exportation, devront payer les droits de Douane, les premiers entre les mains de l'administration douanière de ces Principautés, et les derniers au fisc Ottoman ; de telle sorte que les droits d'importation et d'exportation ne pourront, en tous les cas, être perçus qu'une seule fois.

Aucun droit quelconque ne sera prélevé sur les marchandises, produits du sol ou de l'industrie des Etats du Zollverein ni sur les marchandises appartenant à leurs sujets et provenant du sol ou de l'industrie de tout autre pays étranger, quand ces deux sortes de marchandises passeront par les détroits des Dardanelles, du Bosphore ou de la Mer Noire, soit que ces marchandises traversent ces détroits sur les bâtiments qui les ont apportées, ou qu'elles soient transbordées sur d'autres bâtiments, ou que, vendues pour l'exportation, elles soient pour un temps limité déposées à terre pour être mises à bord d'autres bâtiments, et continuer leur voyage. Dans ce dernier cas les marchandises devraient être déposées à Constantinople dans les magasins de la douane dits de transit, et placées partout ailleurs, ou il n'y aurait pas d'entrepôt, sous la surveillance de l'administration des douanes.

VIII. La Sublime Porte désirant accorder des facilités au moyen de concessions graduelles, il a été convenu que le droit de

8 pour cent prelevé jusqu'à ce jour sur les marchandises importées en Turquie pour être expédiées dans d'autres pays sera réduit, dès aujourd'hui à deux pour cent, et au bout de la huitième année, à compter du jour où les ratifications du présent Traité auront été échangées, à une taxe fixe et définitive d'un pour cent.

La Sublime Porte déclare en même temps se réserver le droit d'établir par un règlement spécial les garanties à prendre pour empêcher la fraude.

**IX.** Les sujets des Etats du Zollverein se livrant au commerce des articles produits du sol ou de l'industrie de pays étrangers, acquitteront les mêmes taxes et jouiront des mêmes droits, privilèges et immunités que les sujets étrangers trafiquant des marchandises provenant de leur propre pays.

**X.** Par exception aux stipulations de l'Article V il a été convenu que le tabac sous toutes ses formes et le sel cessent d'être compris au nombre des marchandises que les sujets des Etats du Zollverein ont la faculté d'importer en Turquie. En conséquence les sujets des Etats du Zollverein ou leurs ayant-cause qui achèteront ou vendront du tabac ou du sel pour la consommation de la Turquie seront soumis aux mêmes règlements et acquitteront les mêmes droits que les sujets Ottomans les plus favorisés parmi ceux qui se livreront au commerce de ces deux articles. Comme compensation de cette restriction aucune taxe ne sera perçue à l'avenir sur ces articles, quand ils seront exportés de la Turquie par des sujets des Etats du Zollverein; cependant les quantités de tabac et de sel qui seront exportées par les sujets des Etats du Zollverein ou par leurs ayant-cause, devront être déclarées à l'administration des douanes qui conservera comme par le passé son droit de surveillance sur l'exportation de ces produits, sans que pour cela elle puisse prétendre à aucune rétribution, soit à titre d'enregistrement, soit à tout autre titre.

**XI.** En outre ne pourront, dorénavant, être importées en Turquie par les sujets des Etats du Zollverein ni canons, ni autres armes à feu, ni poudre, ni munitions de guerre quelconques. Le commerce de ces articles reste sous la surveillance immédiate et spéciale du Gouvernement Ottoman qui conserve le droit de le réglementer.

Ne sont pas compris dans les restrictions précédentes les pistolets, les fusils de chasse et les autres armes à feu tombant dans la catégorie des armes de luxe.

**XII.** Les firmans exigés des bâtiments marchands des Etats du Zollverein à leur passage par les Dardanelles et le Bosphore, leur seront toujours délivrés de manière à leur occasionner le moins de retard possible.

**XIII.** Les capitaines des bâtiments marchands des Etats du Zollverein ayant à bord des marchandises à destination de l'Empire

Ottoman, seront tenus de déposer à la Douane immédiatement après leur arrivée au port de destination, une copie légalisée de leur manifeste.

XIV. Les marchandises introduites en contrebande seront passibles de confiscation au profit du trésor Ottoman, pourvu que la fraude soit dûment et légalement prouvée et qu'un procès-verbal du fait de contrebande soit dressé et communiqué sans délai à l'autorité consulaire du sujet étranger, auquel appartiendront les marchandises confisquées.

XV. Il demeure entendu que les Gouvernements des Etats du Zollverein ne prétendent, par aucun des Articles du présent Traité, stipuler au delà du sens naturel et précis des termes employés, ni entraver en aucune manière le Gouvernement de Sa Majesté Impériale le Sultan dans l'exercice de ses droits d'administration intérieure, en tant toutefois que ces droits ne porteront pas une atteinte manifeste aux stipulations des anciens Traités et aux privilèges accordés par la présente convention aux sujets des Etats du Zollverein ou à leurs propriétés.

XVI. Il est convenu que le présent Traité qui, une fois ratifié, sera substitué à la convention de commerce du <sup>1<sup>er</sup></sup>/<sub>21<sup>st</sup></sub> Octobre, 1840,\* sera valable pour 28 ans. Chacun des Etats contractants se réserve la faculté de proposer au bout de la 14<sup>ème</sup> et de la 21<sup>ème</sup> année les modifications que l'expérience aurait suggérées.

Les stipulations arrêtées par la présente convention seront exécutables dans toutes les parties de l'Empire Ottoman, c'est-à-dire, dans les possessions de Sa Majesté Impériale le Sultan, situées en Europe et en Asie, en Egypte et dans les autres parties de l'Afrique appartenant à la Sublime Porte, en Serbie et dans les Principautés Unies de Moldavie et de Valachie.

Les Hautes Parties Contractantes sont convenues de nommer conjointement des Commissaires pour établir le tarif des droits de Douane à percevoir, conformément aux stipulations du présent Traité, tant sur les marchandises provenant du sol et de l'industrie des Etats du Zollverein et importées par les sujets de ces Etats dans l'Empire Ottoman, que sur les produits du sol et de l'industrie de la Turquie, achetés pour l'exportation par les sujets des Etats du Zollverein ou par leurs ayant-cause. Le nouveau tarif établi de la sorte restera en vigueur pendant 7 ans à dater de l'échange des ratifications. Chacune des Hautes Parties Contractantes aura le droit, un an avant l'expiration de ce terme, de demander la révision du tarif. Mais si à cette époque ni l'une ni l'autre n'usent de cette faculté, le tarif continuera d'avoir force de loi pour 7 autres années, à dater du jour de l'expiration des 7 années précédentes, et il en sera de même à la fin de chaque période successive de 7 années.

XVII. Le présent Traité sera ratifié et les ratifications seront échangées à Constantinople, dans l'espace de deux mois ou plus tôt si faire se pourra.

Fait à Constantinople, le 20 Mars, 1862.

(L.S.) REHFUËS.

(L.S.) AALI.

*TRAITE de Commerce et de Navigation, entre les Pays-Bas et la Turquie.—Fait à Constantinople, le 25 Février, 1862.\**

[Ratifications échangées à Constantinople, le 3 Septembre, 1862.]

SA Majesté le Roi des Pays-Bas d'une part, et Sa Majesté Impériale le Sultan d'autre part, voulant donner une nouvelle extension aux relations heureusement établies entre leurs Etats et possessions respectifs, sont convenus à cet effet de conclure un nouveau Traité de Commerce et de Navigation, et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Pays-Bas, le Sieur Henri Charles du Bois, Chevalier de l'Ordre du Lion Néerlandais, Commandeur de celui de la Couronne de Chêne de Luxembourg, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Sublime Porte Ottomane ;

Sa Majesté Impériale le Sultan, Mehemmed Essad Safvet Effendi, Ministre du Commerce, de l'Agriculture et des Travaux Publics, décoré de l'Ordre Impérial du Medjidié de la première classe, Grand-Croix de l'Ordre d'Isabelle la Catholique d'Espagne, Grand Cordon de l'Ordre du Lion et du Soleil de Perse, Grand-Croix de l'Ordre du Sauveur de Grèce, et de plusieurs autres ordres étrangers ; et Mehemmed Djémil Bey, Grand Chancelier du Divan Impérial, décoré de l'Ordre Impérial du Medjidié de la première classe, Grand-Croix de l'Ordre de l'Aigle Blanc de Russie, de St. Maurice et de Lazare d'Italie, lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et dûe forme, sont convenus des Articles suivants :

ART. I. Tous les droits, privilèges et immunités, qui ont été conférés aux sujets, aux bâtimens, au commerce et à la navigation Néerlandais par les capitulations et les Traités antérieurs, sont confirmés à l'exception des clauses des dits Traités et des dites capitulations que le présent Traité a pour objet de modifier.

Il est en outre expressément entendu que tous les droits, privilèges, immunités, que la Sublime Porte accorde à présent et

\* Signed also in the Dutch language.

pourrait accorder, ou dont elle tolérerait la jouissance à l'avenir aux sujets, aux bâtimens, au commerce et à la navigation de toute autre Puissance étrangère, seront également accordés aux sujets, aux bâtimens, au commerce et à la navigation Néerlandais, qui en auront de droit l'exercice et la jouissance.

II. Les sujets de Sa Majesté le Roi des Pays-Bas, ou leurs ayant-cause, pourront acheter dans toutes les parties de l'Empire Ottoman et de ses possessions, soit qu'ils veuillent en faire le commerce à l'intérieur, soit qu'ils se proposent de les exporter, tous les articles, sans exception, provenant du sol, ou de l'industrie du dit Empire et des dites possessions.

La Sublime Porte, ayant formellement aboli tous les monopoles qui frappent les produits de l'agriculture et toutes les autres productions quelconques de son territoire et de son industrie, et ayant ainsi renoncé aux permis (tezkérés) demandés aux autorités locales pour l'achat de ces mêmes produits et productions, ou pour leur transport d'un lieu à un autre lorsqu'ils étaient achetés, toute tentative, qui serait faite par une autorité quelconque, pour forcer les sujets Néerlandais à se pourvoir de semblables permis (tezkérés), sera considérée comme une infraction aux Traités, et la Sublime Porte punira immédiatement avec sévérité tout fonctionnaire, auquel on aurait pareille infraction à reprocher, et elle indemniserà les sujets Néerlandais des pertes ou préjudices qu'ils pourraient dâment prouvés avoir subi par cette cause.

III. Les marchands Néerlandais, ou leurs ayant-cause, qui achèteront un objet quelconque, produit du sol, ou de l'industrie de l'Empire Ottoman et de ses possessions, dans le but de le revendre pour la consommation dans l'intérieur du dit Empire et des dites possessions, payeront, lors de l'achat ou de la vente de ces objets, ou pour toute autre opération commerciale y relative, les mêmes droits, qui sont payés dans les circonstances analogues par les sujets Ottomans ou étrangers les plus favorisés parmi ceux, qui se livrent au commerce intérieur dans le dit Empire et dans les dites possessions.

IV. Aucun article ne pourra être assujéti dans les Etats et possessions de l'une des Hautes Parties Contractantes, lors de l'exportation vers les Etats et possessions de l'autre, à des droits ou charges autres ou plus élevés que ceux, qui sont ou pourraient être payable lors de l'exportation du même article vers tout autre pays étranger.

De même, aucune prohibition ne frappera l'exportation d'un article quelconque des Etats et possessions de l'une des Hautes Parties Contractantes vers les Etats et possessions de l'autre, qui ne s'étende à l'exportation du même article vers tout autre pays étranger.

Aucune charge ou droit quelconque ne sera exigé sur un article, produit du sol ou de l'industrie de l'Empire Ottoman et de ses possessions, acheté par des sujets Néerlandais, ou leurs ayant-cause, soit à l'endroit ou cet article aura été acheté, soit lors de son transport de cet endroit au lieu d'où il doit être exporté.

Arrivé là, il sera assujetti à un droit d'exportation qui n'excédera pas 8 pour cent, calculés sur la valeur à l'échelle et payables au moment de l'exportation.

Tout article qui aura déjà payé le droit d'exportation n'y sera plus soumis dans une partie quelconque du territoire de l'Empire Ottoman et de ses possessions, quand même il aurait changé de mains.

Il est en outre convenu que le droit précité de 8 pour cent sera abaissé chaque année de 1 pour cent, jusqu'à ce qu'il ait été réduit définitivement à une taxe fixe de 1 pour cent *ad valorem* destinée à couvrir les frais généraux d'administration et de surveillance.

V. Tout article, produit du sol ou de l'industrie des Pays-Bas et ses possessions, de quelque'endroit qu'il arrive, importé par terre ou par mer dans les Etats et possessions de Sa Majesté Impériale le Sultan, et réciproquement, tout article, produit du sol ou de l'industrie de l'Empire Ottoman et de ses possessions, de quelque'endroit qu'il arrive, importé par terre ou par mer dans les Etats et possessions de Sa Majesté le Roi des Pays-Bas, ne sera soumis dans les Etats et possessions de Sa Majesté le Roi des Pays-Bas ou dans les Etats ou possessions de Sa Majesté l'Empereur des Ottomans, à des droits autres ou plus élevés que ceux qui sont ou pourraient être payables lors de l'importation du même article, produit du sol ou de l'industrie, de tout autre pays étranger.

De même, aucune prohibition ne frappera l'importation d'un article quelconque, produit du sol, ou de l'industrie des Etats et possessions de l'une ou de l'autre des Hautes Parties Contractantes, qui ne s'étende à l'importation du même article, produit du sol ou de l'industrie de tout autre pays étranger.

Sa Majesté Impériale s'engage en outre, sauf les exceptions ci-après, à ne prohiber l'importation dans ses Etats et possessions d'aucun article du sol, ou de l'industrie des Pays-Bas et de ses possessions, de quelque'endroit qu'il arrive.

Tout article, produit du sol ou de l'industrie des Pays-Bas et de ses possessions, et tout article de quelque' espèce qu'il soit, chargé sur des bâtiments Néerlandais, et étant la propriété de sujets Néerlandais, ou apporté par terre ou par mer d'autres pays par des sujets Néerlandais, seront admis comme antérieurement dans toutes les parties de l'Empire Ottoman et de ses possessions sans aucune exception, sauf celles mentionnées ci-après, moyennant un droit

unique et fixe d'importation de 8 pour cent, calculé sur la valeur de ces articles à l'échelle, d'après le tarif à établir, dont il est question dans l'Article XXII, et payable au moment du débarquement s'ils arrivent par mer, et au premier bureau de douane s'ils arrivent par voie de terre.

Si ces articles, après avoir acquitté le droit susdit de 8 pour cent, sont vendus, soit au lieu d'arrivée, soit à l'intérieur du pays, il ne sera plus exigé aucun droit ni du vendeur ni de l'acheteur.

Mais si, n'étant pas vendus pour la consommation de l'Empire Ottoman ou de ses possessions, ils étaient réexportés dans l'espace de 6 mois, ils seraient considérés comme marchandises de transit et traités comme il est dit ci-dessous à l'Article XII.

L'administration des douanes Ottomanes serait, dans ce cas, tenue de restituer, au moment de leur réexportation, au négociant qui fournirait la preuve que le droit d'importation de 8 pour cent en avait été acquitté, la différence entre ce droit et le droit de transit, spécifié dans l'article précité.

VI. Il est entendu que les articles d'importation étrangère destinés aux Principautés Unies de Moldo-Valachie et à celle de Servie, et traversant les autres parties de l'Empire Ottoman, n'acquitteront les droits de Douane qu'à leur arrivée dans ces Principautés, et réciproquement, que les marchandises d'importation étrangère traversant ces Principautés pour se rendre dans les autres parties de l'Empire Ottoman, ne devront acquitter les droits de Douane qu'au premier bureau de douane, administré directement par la Sublime Porte.

Il en sera de même pour les produits du sol ou de l'industrie de ces Principautés, aussi bien que pour ceux du reste de l'Empire Ottoman destinés à l'exportation, qui devront payer les droits de Douane, les premiers entre les mains de l'administration douanière de ces Principautés, et les derniers au fisc Ottoman ; de telle sorte, que les droits d'importation et d'exportation ne pourront, en tous les cas, être perçus qu'une seule fois.

VII. Les sujets de chacune des Hautes Parties Contractantes seront traités dans les Etats et possessions de l'autre sur le même pied que les sujets indigènes, relativement au droit de tenir magasin et d'exercer leur commerce ou leur industrie, comme aussi en ce qui concerne l'entreposage ou l'emmagasinage des marchandises, les primes, drawbacks et facilités de Douane.

VIII. Tout article qui peut ou qui pourra être légalement importé dans les Etats et possessions de Sa Majesté le Roi des Pays-Bas par des bâtiments Néerlandais, pourra l'être également par des bâtiments Ottomans, sans être soumis à des droits ou charges autres ou plus élevés de quelque espèce que ce soit, que si cet article était importé par des bâtiments Néerlandais, et récipro-



quement, tout article qui peut ou pourra être légalement importé dans les Etats et possessions de Sa Majesté Impériale le Sultan par des bâtiments Ottomans, pourra être également importé par des bâtiments Néerlandais, sans être soumis à des droits ou charges autres ou plus élevés de quelque espèce que ce soit, que si cet article était importé par des bâtiments Ottomans.

De même, il y aura parfaite réciprocité en ce qui concerne l'exportation; de telle sorte que les mêmes droits d'exportation seront payées et les mêmes primes, facilités et remboursements de droits accordés dans les Etats et les possessions de l'une et de l'autre des Hautes Parties Contractantes lors de l'exportation de tout article qui peut ou pourra être légalement exporté de ces Etats et possessions, soit que l'exportation ait lieu sur un bâtiment Néerlandais ou Ottoman.

IX. Aucun droit de tonnage, de port, de pilotage, de phare, de quarantaine ou tout autre droit semblable ou analogue, quelqu'en soit la nature ou la dénomination, perçu au nom ou au profit du Gouvernement, de fonctionnaires publics, de particuliers, de corporations ou d'établissements quelconques, ne sera imposé dans le port de l'un des deux Etats et possessions sur les bâtiments de l'autre, qui ne sera pas également et sous les mêmes conditions, imposé dans des cas analogues, sur les bâtiments nationaux en général, ou les bâtiments de toute autre nation quelconque.

X. Tout bâtiment considéré comme Néerlandais par la loi Néerlandaise, et tout bâtiment considéré comme Ottoman par la loi Ottomane, sera, pour ce qui concerne ce Traité, considéré respectivement comme bâtiment Néerlandais ou bâtiment Ottoman.

XI. Aucun droit quelconque ne sera prélevé sur les marchandises produits du sol ou de l'industrie des Pays-Bas et de ses possessions, chargés sur des bâtiments Néerlandais ou autres, ni sur des marchandises, produits du sol ou de l'industrie de tout autre pays étranger, chargés sur des bâtiments Néerlandais, quand ces marchandises passeront les détroits des Dardanelles ou du Bosphore, soit qu'elles traversent ces détroits sur les bâtiments qui les ont apportées, ou qu'elles soient transbordées sur d'autres bâtiments, soit que, vendues pour l'exportation, elles soient pour un temps limité déposées à terre, pour être mises à bord d'autres bâtiments et continuer leur voyage.

Dans ce dernier cas les marchandises devront être déposées à Constantinople dans les magasins de la douane, dits de "Transit," et placées partout où il n'y aura pas d'entrepôt, sous la surveillance de l'administration de la Douane.

XII. La Sublime Porte, désirant accorder au moyen de concessions graduelles toutes les facilités en son pouvoir au transit par terre, il a été stipulé et convenu que le droit de 8 pour cent,

prélevé jusqu'à ce jour sur les marchandises importées dans l'Empire Ottoman et dans ses possessions, pour être expédiées dans d'autres pays, sera baissé à 2 pour cent dès la mise en vigueur du présent Traité, et réduit à une taxe fixe et définitive de 1 pour cent au bout de la septième année après cette mise en vigueur, qui sera prélevé de même que le droit sur l'exportation des produits Ottomans réduit alors également à une taxe de 1 pour cent. dans le but de couvrir les frais d'enregistrement.

Ce droit et cette taxe seront payables comme le droit de 3 pour cent. a été payé jusqu'ici, à l'entrée des marchandises dans l'Empire Ottoman et dans ses possessions.

La Sublime Porte déclare en même temps se réserver le droit d'établir par un règlement spécial, les garanties à prendre pour empêcher la fraude.

XIII. Les sujets Néerlandais, ou leurs ayant-cause, se livrant dans l'Empire Ottoman et dans ses possessions au commerce des articles produits du sol ou de l'industrie des pays étrangers, acquitteront les mêmes taxes, et jouiront des mêmes droits, privilèges et immunités que les sujets étrangers, trafiquant des marchandises provenant du sol ou de l'industrie de leur propre pays.

XIV. Par exception aux stipulations de l'Article V, le tabac sous toutes les formes, et le sel cessent d'être compris au nombre des marchandises que les sujets Néerlandais ont la faculté d'importer dans l'Empire Ottoman et ses possessions.

En conséquence les sujets Néerlandais, ou leurs ayant-cause, qui achèteront ou vendront du sel et du tabac pour la consommation du dit Empire et des dites possessions, seront soumis aux mêmes réglemens et acquitteront les mêmes droits que les sujets Ottomans ou étrangers les plus favorisés parmi ceux qui se livrent au commerce de ces deux articles.

Comme compensation de la prohibition de l'importation des deux produits susdits, aucun droit ni taxe quelconque ne sera perçu à l'avenir sur les mêmes produits, exportés de l'Empire Ottoman et de ses possessions par des sujets Néerlandais.

Néanmoins les quantités de tabac et de sel, qui seront exportées par les sujets Néerlandais ou leurs ayant-cause, devront être déclarées à l'administration des douanes Ottomanes, qui conservera, comme par le passé, son droit de surveillance sur l'exportation de ces produits, sans que pour cela elle puisse prétendre à aucune rétribution, soit à titre d'enregistrement, soit à tout autre titre.

XV. Il est entendu entre les deux Hautes Parties contractantes que la Sublime Porte se réserve la faculté et le droit de frapper d'une prohibition générale l'importation de la poudre à canon, armes de guerre ou munitions militaires, dans les États et les possessions de l'Empire Ottoman.

Cette prohibition ne pourra être en vigueur qu'autant qu'elle sera officiellement notifiée, et ne pourra s'étendre que sur les articles spécifiés dans le décret qui les interdit. Celui ou ceux de ces articles qui ne seront pas ainsi prohibés, seront assujettis, lors de leur importation dans l'Empire Ottoman et ses possessions, aux réglemens locaux, sauf les cas où la Légation de Sa Majesté le Roi des Pays-Bas demanderait une permission exceptionnelle, laquelle sera accordée, à moins que des raisons sérieuses ne s'y opposent.

La poudre, en particulier, si son introduction est permise, sera assujettie aux obligations suivantes :

1°. Elle ne sera point vendue par les sujets de Sa Majesté Néerlandaise au-delà de la quantité, prescrite par les réglemens locaux.

2°. Quand une cargaison ou une quantité considérable de poudre arrivera dans un port Ottoman à bord d'un bâtiment Néerlandais, le bâtiment sera tenu de mouiller sur un point particulier, désigné par les autorités locales, et de débarquer sa poudre sous l'inspection de ces mêmes autorités dans des entrepôts ou autres endroits également désignés par elles, et auxquels les parties intéressées auront accès, en se conformant aux réglemens voulus.

Ne sont pas compris dans les restrictions précédentes les fusils de chasse, les pistolets et les armes de luxe, ainsi que la poudre de chasse en petites quantités et le plomb en grenailles, réservés à l'usage privé.

XVI. Les firmans exigés des bâtimens marchand Néerlandais à leur passage par les Dardanelles et le Bosphore, leur seront toujours délivrés de manière à leur occasionner le moins de retard possible.

XVII. Les capitaines des bâtimens de commerce Néerlandais, ayant des marchandises à destination de l'Empire Ottoman et de ses possessions, seront tenus de déposer à la Douane Ottomane une copie exacte de leur manifeste, aussitôt après leur arrivée.

XVIII. Les marchandises introduites en contrebande seront frappées de confiscation au profit du trésor Ottoman ; mais un rapport ou procès-verbal du fait, allégué de contrebande, devra être dressé aussitôt que les dites marchandises auront été saisies par l'autorité compétente, et communiqué sans retard à l'autorité Consulaire du sujet étranger auquel les marchandises suspectes appartiendront, et nulle marchandise ne pourra être confisquée comme contrebande tant que la fraude, pour ce qui la concerne, n'aura pas été dûment et légalement prouvée.

XIX. Tout article, produit du sol ou de l'industrie de l'Empire Ottoman et de ses possessions, et tout article de quelque espèce

nit, chargé sur des bâtiments Ottomans et étant  
jets Ottomans, ou apporté par terre ou par mer d'autres  
par des sujets Ottomans seront traités dans toutes les  
des Etats et des possessions de Sa Majesté le Roi des  
Bas, comme les produits similaires des pays étrangers les plus  
orisés.

Tout les droits, privilèges et immunités accordés maintenant ou  
si pourront être accordés plus tard aux sujets, aux bâtiments,  
à commerce et à la navigation de toute Puissance étrangère dans  
des Etats et possessions de Sa Majesté le Roi des Pays-Bas, ou  
dont la jouissance pourra y être tolérée, seront également accordés  
aux sujets, aux bâtiments, au commerce et à la navigation de la  
Porte Ottomane, qui en auront de droit l'exercice et la jouissance.

XX. Il demeure entendu, que le Gouvernement de Sa Majesté  
le Roi des Pays-Bas ne prétend par aucun des Articles de la pré-  
sente Convention, stipuler au-delà du sens naturel et précis des  
termes employés, ni entraver, en aucune manière, le Gouvernement  
de Sa Majesté le Sultan dans l'exercice de ses droits d'administra-  
tion intérieure, en tant toutefois que ces droits ne porteront aucun  
atteinte manifeste aux privilèges, accordés par les capitulations  
les Traités antérieurs aux sujets Néerlandais et à leurs marchan-  
dises, ni aux stipulations du présent Traité.

XXI. Le présent Traité sera substitué au Traité conclu par  
les deux Hautes Parties Contractantes le 14 Mars, 1840,\* et  
valable pour 28 ans; toutefois chacune des Hautes Parties  
Contractantes se réserve la faculté de proposer au bout de la sept  
quatorzième, ou vingt-et-unième année, les modifications que  
l'expérience aurait suggérées, ou de le dénoncer, et dans ce  
Traité cessera de lier les Hautes Parties Contractantes  
d'un an à partir de la date de la dénonciation.

Le présent Traité sera exécutoire dans toutes les prov  
l'Empire Ottoman, c'est-à-dire, dans les possessions de Sa  
Impériale le Sultan situées en Europe et en Asie, en J  
dans les autres parties de l'Afrique appartenant à la  
Porte, en Servie et dans les Principautés Unies de Mol  
Valachie.

XXII. Les Hautes Parties Contractantes sont et  
nommer conjointement des commissaires, pour établir  
droits de Douane à percevoir conformément aux sti-  
présent Traité, tant sur les marchandises de toute esp  
du sol, de l'agriculture et de l'industrie des Pays-Bas  
sessions, et importées par les sujets Néerlandais dan  
possessions de Sa Majesté Impériale le Sultan, que s  
toute sorte, produits du sol, de l'agriculture et

l'Empire Ottoman et de ses possessions, que les commerçants Néerlandais et leurs agents son libres d'acheter dans toutes les parties du dit Empire et des dites possessions, pour les transporter soit dans les Pays-Bas, soit en d'autres pays.

Le nouveau tarif, à établir de la sorte, restera en vigueur pendant 7 ans, à partir du  $\frac{1}{15}$  Mars, 1862.

Chacune des Hautes Parties Contractantes aura le droit, un an avant l'expiration de ce terme, d'en demander la révision. Mais si à cette époque ni l'une ni l'autre n'use de cette faculté, le tarif continuera d'avoir force de loi pour 7 autres années, à dater du jour où la première période aura été accomplie, et il en sera de même à la fin de chaque période successive de 7 années.

XXIII. Le présent Traité sera ratifié, les ratifications en seront échangées à Constantinople dans l'espace de 3 mois, ou plus tôt, si faire se peut, et il sera mis à exécution à partir de l'échange des ratifications.

En foi de quoi les Plénipotentiaires respectifs l'ont signé et y ont apposé le sceau de leurs armes.

Fait à Constantinople, le 25 Février, 1862.

(L.S.) H. C. DU BOIS.

(L.S.) E. SAFVET.

(L.S.) MEHEMMED DJEMIL.

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#### CONVENTION ADDITIONNELLE.

Relativement aux Articles IV, V et XIX du Traité de Commerce et de Navigation, conclu entre Sa Majesté le Roi des Pays-Bas et Sa Majesté Impériale le Sultan, et signé ce jourd'hui à Constantinople, il est entendu qu'aux règles touchant l'importation et l'exportation dans les Etats et possessions des Hautes Parties Contractantes, adoptées dans ces articles, il est fait exception seulement en ce qui concerne les faveurs spéciales, accordées ou à accorder par la suite dans les colonies Néerlandaises des Indes Orientales aux nations Asiatiques pour l'importation des produits de leur sol et de leur industrie, ou pour leur exportation ; exception, qui a été également admise par les autres Puissances, qui ont conclu des Traités de Commerce et de Navigation avec les Pays-Bas, de manière à ce que la Turquie sera traitée, sous ce rapport, sur le même pied que la nation Européenne la plus favorisée.

Relativement à l'Article XVIII du même Traité il est entendu, qu'en cas de réclamation de la part du propriétaire ou consignataire Néerlandais de la marchandise, saisie comme contrebande, cette réclamation, avant toute décision définitive, sera examinée et jugée à Constantinople devant le tribunal de commerce, ou un tribunal

spécial, établi de consentement mutuel à cet effet, et dans les provinces par un tribunal compétant quelconque.

Fait à Constantinople, le 25 Février, 1862.

(L.S.) H. C. DU BOIS.

(L.S.) E. SAFVET.

(L.S.) MEHEMMED DJEMIL.

*TRAITE Additionnel d'Amitié, de Commerce, et de Navigation, entre les Villes Libres et Anséatiques de Lubeck, Brême et Hambourg, et la Turquie.—Fait à Berlin, le 27 Septembre, 1862.*

[Ratifications échangées à Berlin, le 12 Février, 1863.]

Le Sénat de la Ville Libre et Anséatique de Lubeck, le Sénat de la Ville Libre et Anséatique de Brême, et le Sénat de la Ville Libre et Anséatique de Hambourg (chacun de ces Etats pour soi séparément) d'une part, et

Sa Majesté Impériale le Sultan, d'autre part,

Etant animés du désir de régler de nouveau et de consolider par un acte spécial et additionnel, les rapports d'amitié et les relations de commerce et de navigation entre les Républiques Anséatiques et la Sublime Porte, ont nommé pour leurs Plénipotentiaires, savoir:

Les Sénats des Villes Anséatiques: M. Geffcken, Docteur en Droit, leur Ministre-Résident près Sa Majesté le Roi de Prusse, Chevalier de l'Ordre de la Couronne Royale de Prusse de deuxième classe avec la plaque, Officier de l'Ordre Impérial Brésilien de la Rose, &c. ;

Sa Majesté Impériale le Sultan: le Sieur Jean Aristarchi Bey, Fonctionnaire de l'Empire de première classe, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Prusse, décoré des Ordres Impériaux du Medjidié de seconde classe et du Nishan Istihar, Chevalier de l'Aigle Rouge de Prusse de première classe, Commandeur de St. Olaf de Norvège et du Lion et du Soleil de Perse en brillants, &c. ;

Lesquels, après s'être donné réciproquement communication de leurs pleins-pouvoirs trouvés dans la bonne et due forme, sont tombés d'accord sur les Articles suivants :

ART. I. Tous les points des stipulations commerciales précédentes entre les Villes Anséatiques et la Sublime Porte et notamment toutes les stipulations du Traité d'Amitié, de Commerce, et

\* Signed also in the German language

de Navigation du 18 Mai, 1839,\* ainsi que de la Convention Supplémentaire du 7 Septembre, 1841,† autant qu'ils ne se trouvent pas en contradiction avec la présente Convention sont maintenus et confirmés pour toujours.

Les sujets et citoyens et les produits du sol et de l'industrie, ainsi que les bâtiments des Républiques Anséatiques auront de droit, dans l'Empire Ottoman, l'exercice et la jouissance de tous les avantages, privilèges et immunités qui sont ou qui par la suite seraient accordés aux sujets, aux produits du sol ou de l'industrie, et aux bâtiments de toute autre nation la plus favorisée.

II. Les sujets et citoyens des Républiques Anséatiques ou leurs ayant-cause pourront acheter dans toutes les parties de l'Empire Ottoman soit qu'ils veuillent en faire le commerce à l'intérieur, soit qu'ils se proposent de les exporter, tous les Articles, sans exception, provenant du sol et de l'industrie de ce pays.

Tous les monopoles qui autrefois, dans l'Empire Ottoman, frappaient les produits de l'agriculture et autres productions quelconques sont et demeurent abolis pour toujours : de même la Sublime Porte renonce-t-elle à l'usage des Teskérés, demandés aux autorités locales pour l'achat de ces marchandises ou pour les transporter d'un lieu à un autre quand elles étaient achetées. Toute tentative qui serait faite par une autorité quelconque pour forcer les sujets et citoyens des Républiques Anséatiques à se pourvoir de semblables permis ou Teskérés, sera considérée comme une infraction aux Traités, et la Sublime Porte punira immédiatement avec sévérité tous fonctionnaires auxquels on aurait une pareille infraction à reprocher, et elle indemniserà les sujets ou citoyens des Républiques Anséatiques des pertes ou vexations dont ils pourront prouver qu'ils ont eu à souffrir.

III. Les marchands sujets ou citoyens des Républiques Anséatiques ou leurs ayant-cause, qui achèteront un objet quelconque, produit du sol ou de l'industrie de la Turquie, dans le but de le revendre pour la consommation dans l'intérieur de l'Empire Ottoman, payeront lors de l'achat ou de la vente, les mêmes droits qui sont payés, dans les circonstances analogues, par la classe la plus favorisée des sujets Ottomans ou étrangers qui se livrent au commerce intérieur.

IV. Tout Article, produit du sol ou de l'industrie de la Turquie, acheté pour l'exportation, sera transporté libre de toute espèce de charge et de droits à un lieu convenable d'embarquement par les négociants sujets et citoyens des Républiques Anséatiques ou leurs ayant-cause. Arrivé là, il payera un droit unique de 8 pour cent de sa valeur, lequel sera abaissé chaque année de un pour cent jusqu'à ce qu'il ait été réduit à une taxe fixe et définitive de un pour

\* Vol. XXVIII. Page 448.

† Vol. XXIX. Page 699.



ent destinée à couvrir les frais généraux d'administration et de surveillance.

Tout Article acheté au lieu d'embarquement pour l'exportation et qui aurait déjà payé le droit d'exportation, ne pourra, en aucun cas, être soumis à un droit ultérieur d'exportation, si même il a changé de main.

V. Tout Article produit du sol ou de l'industrie des Républiques Anséatiques ou des Etats de la Confédération Germanique et toutes marchandises de quelque espèce qu'elles soient, importées par terre ou par mer par des sujets ou citoyens des Républiques Anséatiques seront admises dans toutes les parties de l'Empire Ottoman, sans aucune exception moyennant un droit unique et fixe de 8 pour cent, calculé sur la valeur de ces articles à l'échelle et payable au moment du débarquement, si elles arrivent par mer, et au premier bureau de Douane, si elles arrivent par voie de terre.

Si ces marchandises après avoir acquitté le droit de 8 pour cent, sont vendues, soit au lieu d'arrivée, soit à l'intérieur du pays, il ne sera plus exigé aucun droit, ni du vendeur ni de l'acheteur. Si n'étant pas vendues pour la consommation de la Turquie, ces marchandises étaient réexportées dans l'espace de 6 mois, elles seraient considérées comme marchandises de transit et traitées comme il est dit dans l'Article VIII. L'administration des Douanes serait dans ce cas tenue de restituer immédiatement au négociant qui fournirait la preuve que le droit de 8 pour cent a été acquitté, la différence entre ce droit d'importation et celui du transit spécifié dans l'Article VIII.

VI. Les articles d'importation étrangère destinés aux Principautés Unies de Moldavie et de Valachie et à la Principauté de Serbie, et traversant les autres parties de l'Empire Ottoman, n'acquitteront les droits de Douane, qu'à leur arrivée à ces Principautés et réciproquement les marchandises d'importation étrangère versant ces Principautés pour se rendre dans les autres parties de l'Empire Ottoman, ne devront acquitter les droits de Douane qu'au premier bureau de Douane administré directement par la Sublime Porte.

De même les produits du sol ou de l'industrie de ces Principautés, aussi bien que ceux du reste de l'Empire Ottoman, destinés à l'exportation, devront payer les droits de douane, les premiers entre les mains de l'administration douanière de ces Principautés et les dernières au fisc Ottoman, de telle sorte que les droits d'importation et d'exportation ne pourront, en tous les cas, être perçus qu'une seule fois.

VII. Aucun droit quelconque ne sera prélevé sur les marchandises, produits du sol ou de l'industrie des Républiques Anséatiques ni sur les marchandises appartenant à leurs sujets et cit

provenant du sol ou de l'industrie de tout autre pays étranger, quand ces deux sortes de marchandises passeront par les détroits des Dardanelles, du Bosphore ou de la Mer Noire, soit que ces marchandises traversent ces détroits sur les bâtiments qui les ont apportées, ou qu'elles soient transbordées sur d'autres bâtiments, ou que, vendues pour l'exportation, elles soient pour un temps limité déposées à terre pour être mises à bord d'autres bâtiments et continuer leur voyage. Dans ce dernier cas les marchandises devraient être déposées à Constantinople dans les magasins de la Douane dits de transit, et placées partout ailleurs, où il n'y aurait pas d'entrepôt, sous la surveillance de l'administration des Douanes.

VIII. La Sublime Porte désirant accorder des facilités au transit par terre au moyen de concessions graduelles, il a été convenu que le droit de 3 pour cent prélevé jusqu'à ce jour sur les marchandises importées en Turquie pour être expédiées dans d'autres pays sera réduit, dès aujourd'hui à deux pour cent, et au bout de la 8ème année, à compter du jour où les ratifications du présent Traité auront été échangées, à une taxe fixe et définitive d'un pour cent.

La Sublime Porte déclare en même temps se réserver le droit d'établir par un règlement spécial les garanties à prendre pour empêcher la fraude.

IX. Les sujets et citoyens des Républiques Anséatiques se livrant au commerce des articles produits du sol ou de l'industrie de pays étrangers, acquitteront les mêmes taxes et jouiront des mêmes droits, privilèges et immunités que les sujets étrangers trafiquant des marchandises provenant de leur propre pays.

X. Par exception aux stipulations de l'Article V il a été convenu que le tabac sous toutes ses formes et le sel cessent d'être compris au nombre des marchandises que les sujets et citoyens des Républiques Anséatiques ont la faculté d'importer en Turquie. En conséquence les sujets et citoyens des Républiques Anséatiques ou leurs ayant-cause qui achèteront ou vendront du tabac ou du sel pour la consommation de la Turquie seront soumis aux mêmes règlements et acquitteront les mêmes droits que les sujets Ottomans les plus favorisés parmi ceux qui se livreront au commerce de ces deux articles. Comme compensation de cette restriction aucune taxe ne sera perçue à l'avenir sur ces articles, quand ils seront exportés de la Turquie par des sujets et citoyens des Républiques Anséatiques, cependant les quantités de tabac et de sel qui seront exportées par les sujets et citoyens des Républiques Anséatiques ou par leurs ayant-cause, devront être déclarées à l'administration des douanes qui conservera comme par le passé son droit de surveillance sur l'exportation de ces produits, sans que pour cela elle

puisse prétendre à aucune rétribution, soit à titre d'enregistrement, soit à tout autre titre.

XI. En outre ne pourront, dorénavant, être importées en Turquie par les sujets et citoyens des Républiques Anséatiques ni canons, ni autres armes à feu, ni poudre, ni munitions de guerre quelconques. Le commerce de ces articles reste sous la surveillance immédiate et spéciale du Gouvernement Ottoman qui conserve le droit de le réglementer.

Ne sont pas compris dans les restrictions précédentes les pistolets, les fusils de chasse et les autres armes à feu tombant dans la catégorie des armes de luxe.

XII. Les firmans exigés des bâtimens marchands des Républiques Anséatiques à leur passage par les Dardanelles et le Bosphore, leur seront toujours délivrés de manière à leur occasionner le moins de retard possible.

XIII. Les capitaines des bâtimens marchands des Républiques Anséatiques ayant à bord des marchandises à destination de l'Empire Ottoman, seront tenus de déposer à la Douane immédiatement après leur arrivée au port de destination, une copie légalisée de leur manifeste.

XIV. Les marchandises introduites en contrebande seront passibles de confiscation au profit du trésor Ottoman, pourvu que la fraude soit dûment et légalement prouvée et qu'un procès-verbal du fait de contrebande soit dressé et communiqué sans délai à l'autorité consulaire du sujet étranger, auquel appartiendront les marchandises confisquées.

XV. Il demeure entendu que les Gouvernemens des Républiques Anséatiques ne prétendent, par aucun des articles du présent Traité, stipuler au delà du sens naturel et précis des termes employés, ni entraver en aucune manière le Gouvernement de Sa Majesté Impériale le Sultan dans l'exercice de ses droits d'administration intérieure, en tant toutefois que ces droits ne porteront pas atteinte manifeste aux stipulations des anciens Traités et aux privilèges accordés par la présente Convention aux sujets et citoyens des Républiques Anséatiques ou à leurs propriétés.

XVI. Il est convenu, que tous les privilèges, avantages ou immunités accordés par le Gouvernement Ottoman à la nation la plus favorisée seront également étendus aux Républiques Anséatiques. Le présent Traité, qui une fois ratifié sera substitué au Traité d'Amitié, de Commerce et de Navigation du 18 Mai, 1839, et à la Convention Supplémentaire du 7 Septembre, 1841, sera valable pour 28 ans. Chacun des Etats contractants se réserve la faculté de proposer au bout de la 14<sup>ème</sup> et de la 21<sup>ème</sup> année les modifications que l'expérience aurait suggérées.

Les stipulations arrêtées par la présente Convention seront exécutables dans toutes les parties de l'Empire Ottoman, c'est-à-dire, dans les possessions de Sa Majesté Impériale le Sultan, situées en Europe et en Asie, en Egypte et dans les autres parties de l'Afrique appartenant à la Sublime Porte, en Servie et dans les Principautés Unies de Moldavie et de Valachie.

Les Hautes Parties Contractantes sont convenues de nommer conjointement des Commissaires pour établir le tarif des droits de Douane à percevoir, conformément aux stipulations du présent Traité, tant sur les marchandises provenant du sol et de l'industrie des Républiques Anséatiques et de la Confédération Germanique et importées par les sujets et citoyens de ces Etats dans l'Empire Ottoman, que sur les produits du sol et de l'industrie de la Turquie, achetés pour l'exportation par les sujets et citoyens des Républiques Anséatiques ou par leurs ayant-cause. Le nouveau tarif établi de la sorte restera en vigueur pendant 7 ans à dater de l'échange des ratifications. Chacune des Hautes Parties Contractantes aura le droit, un an avant l'expiration de ce terme, de demander la révision du tarif. Mais si à cette époque ni l'une ni l'autre n'usent de cette faculté, le tarif continuera d'avoir force de loi pour 7 autres années, à dater du jour de l'expiration des 7 années précédentes, et il en sera de même à la fin de chaque période successive de 7 années.

XVII. Le présent Traité sera ratifié et les ratifications seront échangées à Berlin dans l'espace de deux mois ou plus tôt si faire se pourra.

Fait à Berlin, le 27 Septembre, 1862.

(L.S.) GEFFCKEN.

(L.S.) ARISTARCHI.

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*TRAITE d'Amitié, de Commerce, et de Navigation, entre le Danemark et le Vénézuéla.—Fait à Caracas, le 19 Decembre, 1862.\**

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[Ratifications échangées à Caracas, le 13 Juin, 1863.]

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SA Majesté le Roi de Danemark et la République de Vénézuéla, désirant de conclure un nouveau Traité d'Amitié, de Commerce et de Navigation dans le but de resserrer, par tous les moyens possibles, les liens de bonne intelligence qui ont, de tout temps, existé entre les deux pays, à leur satisfaction réciproque, ils ont nommé pour leurs Plénipotentiaires, savoir :

\* Signed also in Danish and German.

Sa Majesté le Roi de Danemark, le Sieur Guillaume Stürup, Conseiller de Légation, Chevalier de l'Ordre de Danebrog et son Consul Général à Caracas.

Et Son Excellence le Chef Suprême Civil et Militaire de la République de Vénézuéla, le Sieur Licencié Jesus Maria Morales Marcano, Directeur du Département des Relations Extérieures et de l'Instruction Publique, lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté les articles suivants :

ART. I. Il y aura dans la suite, comme par le passé, une paix inviolable et une amitié sincère entre Sa Majesté Danoise et ses sujets d'une part, et la République de Vénézuéla et ses citoyens de l'autre part.

II. Les sujets Danois au Vénézuéla et les citoyens Vénézuéliens en Danemark pourront réciproquement et en toute liberté entrer avec leurs navires et cargaisons, comme les nationaux eux-mêmes, dans tous les lieux, ports et rivières qui sont ou seraient ouverts au commerce étranger.

Ils pourront, comme les nationaux, sur les territoires respectifs, voyager ou séjourner, commercer tant en gros qu'en détail, louer et occuper les maisons, magasins et boutiques dont ils auront besoin, effectuer des transports de marchandises et d'argent et recevoir des consignations tant de l'intérieur que des pays étrangers.

Ils seront entièrement libres dans tous leurs achats, comme dans toutes leurs ventes, d'établir et de fixer les prix des effets, marchandises et objets quelconques, tant importés que nationaux, soit qu'ils les vendent à l'intérieur ou qu'ils les destinent à l'exportation, sauf à se conformer aux lois et règlements du pays.

Ils seront également libres de faire leurs affaires eux-mêmes, de présenter leurs propres déclarations en Douane ou de se faire représenter par qui bon leur semblera, fondés de pouvoir, facteurs, agents, consignataires ou interprètes, soit dans l'achat ou la vente de leurs biens, de leurs effets ou marchandises, soit dans le chargement, le déchargement ou l'expédition de leurs navires.

Ils auront aussi le droit de remplir toutes les fonctions qui leur seront confiées par leurs compatriotes, par des étrangers ou par des nationaux en qualité de fondés de pouvoir, facteurs, agents, consignataires ou interprètes.

Enfin ils ne seront assujettis dans aucun cas à d'autres charges, taxes ou impôts que ceux auxquels sont soumis les nationaux ou les sujets de la nation la plus favorisée.

III. Les sujets et citoyens respectifs jouiront dans l'un et dans l'autre Etat, d'une constante et complète protection pour leurs personnes et leurs propriétés. Ils auront en conséquence un libre et facile accès auprès des tribunaux de justice pour la poursuite et la

défense de leurs droits et ce aux mêmes conditions qui seront en usage pour les citoyens du pays dans lequel ils résideront.

Ils seront d'ailleurs exempts de tout service personnel, soit dans les armées de terre ou de mer, soit dans les gardes ou milices nationales, ainsi que de toute contribution de guerre, emprunts forcés, réquisitions ou services militaires, quels qu'ils soient, et dans tous les autres cas ils ne pourront pas être assujettis pour leurs propriétés, soit mobilières, soit immobilières, à d'autres charges, exactions ou impôts, que ceux auxquels seraient soumis les nationaux eux-mêmes, ou les sujets et citoyens de la nation la plus favorisée sans exception.

En cas de révolution ou de guerre intérieure, les sujets et citoyens des deux Etats contractants auront dans le territoire de l'autre, le droit d'être indemnisés des dommages et des préjudices qu'ils éprouveraient dans leurs propriétés du fait des autorités constituées ou des forces qui en dépendent, d'après les preuves que les intéressés feront valoir conformément aux lois en vigueur.

IV. Les citoyens de chacune des Parties Contractantes résidant dans les territoires de l'autre jouiront sous le rapport de la religion et du culte, de toutes les libertés, garanties et protection dont les nationaux y jouissent.

V. Les navires, les équipages, les marchandises, les effets, les voitures et les bêtes, appartenant aux sujets ou citoyens de l'une des Parties Contractantes ne pourront être saisis ni retenus dans les territoires de l'autre pour une expédition militaire quelconque, ni pour quelque service public que ce soit, contre la volonté de leurs maîtres ou de leurs agents.

VI. Les sujets et citoyens des deux pays auront le droit de posséder des immeubles et de disposer comme il leur conviendra, par vente, donation, échange, testament ou de quelque autre manière que ce soit, de tous les biens qu'ils posséderaient sur les territoires respectifs.

Les sujets Danois jouiront dans le territoire du Vénézuéla du droit de recueillir et de transmettre les successions soit *ab intestat*, soit par testament à l'égal des Vénézuéliens d'après les lois du pays et sans être assujettis, à raison de leur qualité d'étrangers, à aucun prélèvement ou impôt qui ne frapperait de même les nationaux.

Réciproquement, les Vénézuéliens jouiront dans le territoire du Danemark du droit de recueillir et de transmettre les successions soit *ab intestat*, soit par testament, à l'égal des sujets Danois d'après les lois du pays et sans être assujettis, à raison de leur qualité d'étrangers, à aucun prélèvement ou impôt qui ne frapperait de même les nationaux.

VII. Toutes les marchandises et objets de commerce, soit production du sol ou de l'industrie des deux Etats Contractants, soit de

tout autre pays, dont l'importation sera légalement permise, quoique ce soit par exception, à une autre nation étrangère, pourront également être importées sur des bâtiments Danois ou Vénézuéliens, sans être assujettis à d'autres ou à de plus forts droits, de quelque dénomination que ce soit, que ceux qu'ils devraient payer si l'importation se faisait sur des bâtiments nationaux.

Cette égalité de traitement réciproque sera appliquée indistinctement, soit que ces marchandises arrivent directement de l'endroit de production, soit qu'elles arrivent d'un autre endroit quelconque.

La même égalité de traitement réciproque aura lieu pour tout ce qui a trait aux exportations ou réexportations sans distinction de provenance ou destination, et pour tout ce qui a égard aux primes, facilités et restitutions de droits, que la législation des deux pays ait établies ou pourrait établir dans la suite.

VIII. L'Article précédent n'est pas applicable au commerce de cabotage, qui sera régi dans les deux Etats par leurs lois respectives ; mais il est convenu, que les habitants des deux pays jouiront réciproquement de tous les droits qui seront accordés à ce sujet à la nation la plus favorisée.

Mais il sera permis aux bâtiments de chacun des deux pays, tant que les lois respectives ne le défendront pas, de décharger une partie de leur cargaison dans un port et de se rendre ensuite dans d'autres ports des territoires de l'autre, qui sont ouverts au commerce étranger, soit pour y achever la décharge, soit pour compléter leur chargement de retour, en ne payant dans chaque port d'autres ni de plus forts droits que ceux que paient les bâtiments nationaux dans les mêmes circonstances.

IX. Seront considérés comme Danois au Vénézuéla et comme Vénézuéliens en Danemark, les bâtiments qui navigueront sous le pavillons respectifs, et qui seront porteurs des papiers de bord et de autres documents exigés par la législation de chacune des deux nations pour la justification de la nationalité des bâtiments commerce.

X. Les bâtiments et embarcations respectifs, de quelque capa ou construction que ce soit, arrivant dans les ports de l'une ou l'autre des Hautes Parties Contractantes, ou en sortant sur les chargés, ne seront assujettis à d'autres ni à de plus forts droits de tonnage, de phare, de port, de pilotage, de quarantaine ou autre quelque espèce et dénomination que ce soit, affectant le corps du bâtiment, que ceux auxquels sont ou seront respectivement assujettis les navires nationaux dans les deux pays.

II. Le commerce Danois dans la République de Vénézuéla et le commerce Vénézuélien en Danemark, seront traités, sous le rapport des droits de Douane tant à l'importation qu'à l'exportation, celui de la nation étrangère la plus favorisée.



**XII.** Les droits d'importation ou d'exportation imposés dans l'un des deux Etats Contractants sur les produits du sol ou de l'industrie de l'autre, ne pourront être autres ni plus élevés que ceux, auxquels sont ou seront soumis les mêmes marchandises, provenant de quelque autre nation étrangère, que ce soit.

Aucune prohibition ou restriction d'importation ou d'exportation n'aura lieu dans le commerce réciproque des deux pays, qu'elle ne soit également étendue à toutes les autres nations ; et les formalités qui pourraient être requises pour justifier de l'origine ou de la provenance des marchandises respectivement importées dans l'un des deux Etats, seront également communes à toutes les autres nations.

**XIII.** Lorsque quelque bâtiment des deux Parties Contractantes aurait fait naufrage, échoué ou souffert quelque autre dommage qui l'obligerait à relâcher dans les ports, sur les côtes ou sous la juridiction de l'autre, les sujets ou citoyens respectifs recevront tant pour eux que pour leurs bâtiments et effets, la même assistance qui serait fournie aux habitants du pays, où l'accident arrive ; et ils ne seront assujettis à d'autres ni de plus forts droits de navigation, sous quelque dénomination que ces droits soient respectivement établis, que ceux prélevés en pareil cas sur les navires nationaux, pourvu que les dits navires n'effectuent aucun chargement ni déchargement de marchandises.

Dans le cas où, à raison de relâche forcée, les navires respectifs seraient obligés de déposer à terre les marchandises composant leur chargement, ou de les transborder sur d'autres navires pour éviter qu'elles ne dépérissent, il ne sera exigé d'eux d'autres droits que ceux imposés en pareil cas aux navires nationaux.

Dans tous les territoires et domaines de chacune des deux parties, il sera accordé aux bâtiments de l'autre, dont l'équipage aura été diminué par suite de maladies ou par une autre cause quelconque, la faculté d'engager les matelots qu'il leur faudra pour continuer leur voyage, pourvu qu'ils se conforment aux ordonnances locales et que l'engagement soit volontaire.

**XIV.** Les navires, marchandises et effets appartenant à des sujets de l'une des Parties Contractantes qui auraient été pris par des pirates, soit dans les limites de leur juridiction, soit en pleine mer, et auraient été conduits ou trouvés dans les ports, rivières, rades, baies ou domaines de l'autre partie seront remis à leurs propriétaires en payant les frais de la reprise, s'il y en a, lorsque le droit de propriété aura été prouvé devant les tribunaux et sur la réclamation, qui devra être faite dans le délai d'un an par les parties intéressées, par leur fondés de pouvoir ou par les agents de leur nation.

**XV.** Les bâtiments de guerre de l'une des deux Puissances

pourront entrer, séjourner et se radouber dans ceux des ports de l'autre Puissance, dont l'accès est accordé à la nation la plus favorisée; ils y seront soumis aux mêmes règles et y jouiront des mêmes avantages.

XVI. Les deux Parties Contractantes adoptent dans leurs relations mutuelles les principes suivants :

1. Le pavillon neutre couvre la marchandise ennemie à l'exception de la contrebande de guerre.

2. La marchandise neutre, à l'exception de la contrebande de guerre, n'est pas saisissable sous pavillon ennemi.

3. Les blocus, pour être obligatoires, doivent être effectifs, c'est-à-dire, maintenus par une force suffisante pour interdire réellement l'accès du littoral de l'ennemi.

En conséquence du premier de ces principes, si l'une des deux parties reste neutre, dans le cas où l'autre viendrait à être en guerre avec quelque puissance, les marchandises couvertes du pavillon neutre, excepté la contrebande de guerre, seront aussi réputées neutres, même quand elles appartiendraient aux ennemis de l'autre Partie Contractante.

Il est également convenu que la liberté du pavillon s'étend aussi aux individus qui seraient trouvés à bord des bâtiments neutres, à moins qu'ils ne soient militaires et alors engagés au service de l'ennemi.

Il est également convenu que la propriété neutre, excepté la contrebande de guerre, trouvée à bord d'un bâtiment ennemi, sera aussi considérée comme neutre.

Les deux Parties Contractantes n'appliqueront ces principes qu'aux puissances qui les reconnaîtront également.

XVII Dans le cas où l'une des Parties Contractantes serait en guerre avec quelque autre puissance, aucun navire de l'une ou de l'autre des deux nations, ne sera détenu pour avoir à bord des articles de contrebande de guerre, toutes les fois que le patron, le capitaine ou subrécargue du dit navire délivreront ces articles de contrebande de guerre au capteur, à moins que les articles n soient en quantité si considérable et n'occupent un tel espace qu'on ne puisse, sans de grands inconvénients, les recevoir à bord du bâtiment capteur. Dans ce dernier cas, de même que dans ce qui autorisent légitimement la détention, le bâtiment détenu, sera expédié pour le port le plus convenable et sûr, qui se trouvera plus à proximité, pour y être jugé suivant les lois.

Egalement les sujets ou citoyens de l'autre pays pourront continuer leur commerce avec les États belligérants, excepté avec villes ou ports qui seraient réellement bloqués ou assiégés. entendu, que cette liberté de commercer et de naviguer ne s'étend pas aux articles réputés contrebande de guerre.

Dans aucun cas un bâtiment de commerce appartenant à des sujets ou citoyens de l'un des deux pays qui se trouvera expédié pour un port bloqué par les forces de l'autre, ne pourra être saisi, capturé et condamné si préalablement il ne lui a été faite une notification ou signification de l'existence du blocus par quelque bâtiment faisant partie de l'escadre ou division de ce blocus. Et pour qu'on ne puisse alléguer une prétendue ignorance des faits, et que le navire qui aura été dûment averti soit dans le cas d'être capture, s'il vient à se représenter devant le même port pendant la durée du blocus, le Commandant du bâtiment de guerre qui le rencontrera d'abord, devra apposer son visa sur les papiers de ce navire en indiquant le jour, le lieu et la hauteur où il l'aura visité et lui aura fait la signification en question, laquelle contiendra d'ailleurs les mêmes indications que celles exigées pour le visa.

Tous navires de l'une des deux Parties Contractantes qui seraient entrés dans un port, avant qu'il ne fût assiégé bloqué ou investi par l'autre Puissance, pourront le quitter sans empêchement avec leurs cargaisons ; et si ces navires se trouvent dans le port, après la reddition de la place, ils ne seront point sujets à la confiscation, non plus que leurs cargaisons, mais ils seront rendus à leurs propriétaires.

XVIII. Chacune des Parties Contractantes sera libre d'établir des Consuls Généraux, des Consuls et des Vice-Consuls à résidence dans les ports ou villes des domaines de l'autre, où celle-ci juge convenable d'admettre des Consuls des puissances étrangères. Ces agents ne pourront cependant entrer en fonction, qu'après avoir obtenu leur exéquatur du Gouvernement du pays de leur résidence. Ils jouiront dans les deux pays, sous tous les rapports, des mêmes immunités, prérogatives et avantages que les Agents Consulaires de la même catégorie, de toute autre nation favorisée. Les archives et les papiers des Consulats respectifs seront inviolables, et sous aucun prétexte, ni dans aucun cas, ils ne pourront être saisis ni visités par l'autorité locale.

XIX. Les Consuls et Vice-Consuls respectifs seront exclusivement chargés de la police interne des navires de commerce de leur nation, et les autorités locales ne pourront y intervenir, qu'autant que les désordres survenus seraient de nature à troubler la tranquillité publique, soit à terre, soit à bord des bâtiments.

Ils auront la faculté de faire arrêter et de renvoyer, soit à bord, soit dans leur pays, les matelots déserteurs des bâtiments de guerre ou de commerce de leur nation. A cet effet ils s'adresseront par écrit aux autorités locales compétentes, et justifieront par l'exhibition du registre du bâtiment ou du rôle d'équipage, ou, si le dit navire était parti, par la copie des pièces dûment certifiée par eux, que les individus réclamés faisaient partie de cet équipage. Sur cette demande ainsi justifiée, la remise ne pourra leur être refusée,

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leur sera donné de plus toute aide et assistance pour la recherche, mise et arrestation des dits déserteurs, qui seront même détenus dans les prisons publiques du pays à la réquisition et aux frais des Consuls jusqu'à ce que ces agents aient trouvé une occasion de les livrer ou de les faire partir. Si pourtant cette occasion ne se présentait pas dans un délai de 3 mois à compter du jour de l'arrestation, les déserteurs seraient mis en liberté en prévenant le Consul 3 jours d'avance, et ne pourraient plus être arrêtés pour la même cause.

Si toutefois le déserteur avait commis sur terre quelque délit, l'autorité locale pourra en différer l'extradition, jusqu'à ce que le tribunal aura prononcé sa sentence et que celle-ci aura reçu pleine et entière exécution. Il est convenu entre les Parties Contractantes que les matelots et autres gens de l'équipage, qui se trouveraient être citoyens du pays ou la désertion aurait lieu seront exempts des stipulations du présent Article, pourvu qu'ils n'aient manqué à leurs engagements pécuniaires.

XX. Les Consuls ou Vice-Consuls respectifs auront le droit comme tels, de siéger comme juges et arbitres dans les différends qui se seront élevés en mer, ou s'élèveront dans les ports, entre le Capitaine, les Officiers et l'équipage des bâtiments de la nation, dont ils soignent les intérêts, particulièrement pour le règlement des salaires et l'exécution des engagements réciproquement consentis sans que les autorités locales puissent y intervenir, à moins qu'il y ait eu faute de conduite de l'équipage, des Officiers ou des Capitaines ne trouvant l'ordre ou la tranquillité du pays. Il est bien entendu cependant que cette espèce de jugement ou d'arbitrage ne saurait priver les parties contendantes du droit qu'elles ont, à leur retour, de recourir aux autorités judiciaires de leur pays.

XXI. Les Consuls ou Vice-Consuls respectifs pourront assister sur les lieux (ou laissant des héritiers mineurs), ni d'exécuteurs testamentaires jouissant de capacité légale.

1. Apposer les scellés soit d'office, soit à la réquisition des parties intéressées, sur les effets mobiliers et les papiers en prévenant d'avance de cette opération l'autorité locale y assister et même, si elle le juge convenable, croiser de ceux apposés par le Consul ou agent et dès lors ces documents ne seront levés que de concert.

2. Dresser aussi en présence de l'autorité compétente si elle croit devoir s'y présenter, l'inventaire de la succession.

3. Faire procéder, suivant l'usage du pays, à la vente pendant de la succession, lorsque les dits documents du temps, ou que le Co-

... défunt; et

4. Administrer et liquider personellement ou nommer, sous leur responsabilité, un agent pour administrer et liquider la dite succession, sans que d'ailleurs l'autorité locale ait à intervenir dans ces dernières opérations à moins qu'un ou plusieurs citoyens du pays ou d'une tierce puissance n'aient à faire valoir des droits dans l'héritage ; parceque, dans ce cas, s'il s'élève des difficultés, elles seront décidées par les tribunaux, le Consul agissant alors comme représentant la succession et ne devant la considérer comme liquidée tant que le tribunal n'aura pas prononcé sa sentence, ou qu'il ne sera intervenu un arrangement amiable.

Mais les dits Consuls seront tenus de faire annoncer la mort de leurs nationaux dans une des gazettes qui se publient dans l'étendue de leurs arrondissements, et ne pourront faire délivrance de la succession et de son produit aux héritiers légitimes ou à leurs mandataires qu'après avoir fait acquitter toutes les dettes que le défunt pourrait avoir contractées dans le pays, ou qu'autant qu'une année se sera écoulée depuis la date de la publication du décès, sans qu'aucune réclamation n'ait été présentée contre la succession.

Il est entendu que dans le cas où les héritiers viendraient à se présenter eux-mêmes dans le pays, le Consul ou Vice-Consul sera tenu de leur rendre compte et de remettre, s'ils l'exigent, l'administration de la succession entre leurs mains. Il en sera de même si les dits héritiers constituent par acte authentique un ou plusieurs fondés de pouvoir pour agir en leur nom. Dans tous les cas, la liquidation définitive, et surtout la vente des biens fonciers, ne pourra avoir lieu qu'un an après la mort du défunt, à moins que le Consul ou Vice-Consul ne soit spécialement autorisé par les héritiers eux-mêmes à devancer ce terme.

XXII. Toutes les fois qu'il n'y aura pas de stipulations contraires établies en bonne et due forme, entre les armateurs, les chargeurs et les assureurs, les avaries que les bâtiments des deux pays auraient éprouvées dans les ports respectifs, seront réglées par les Consuls de leur nation, à moins cependant que les habitants du pays où résideraient les Consuls, ne se trouvassent intéressés dans ces avaries ; car dans ce cas elles devraient être réglées par l'autorité locale, toutes les fois qu'un compromis à l'amiable ne sera pas intervenu entre les parties.

XXIII. Toutes les opérations relatives au sauvetage des bâtiments appartenant à l'un des deux Etats contractants naufragés ou échoués sur les côtes de l'autre, seront surveillées par les agents consulaires de la nation à qui appartient le navire s'ils n'avaient pas des consignataires spéciaux. L'intervention des autorités locales aura lieu dans les deux pays pour maintenir l'ordre, garantir les intérêts des sauveteurs, s'ils sont étrangers aux équipages naufragés, et assurer l'exécution des dispositions à observer pour l'entrée et la

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partie des marchandises sauvées. En l'absence et jusqu'à l'arrivée des Consuls ou Vice-Consuls, les autorités locales devront, d'ailleurs, prendre toutes les mesures nécessaires pour la protection des individus et la conservation des effets naufragés.

Il est de plus convenu que les marchandises sauvées ne seront tenues à aucun droit, à moins qu'elles ne soient destinées à la consommation dans le pays, et sauf les autres cas expressément prévus par les lois respectives des deux Etats Contractants.

XXIV. Les stipulations du présent traité s'appliqueront également aux colonies de Sa Majesté Danoise, en tant que les citoyens de Vénézuéla y jouiront des mêmes droits, dont jouit actuellement ou dont jouira à l'avenir toute autre nation favorisée.

XXV. Si l'une des Parties Contractantes accordait à l'avenir quelque faveur particulière à une autre nation en fait de commerce, de navigation, de privilèges diplomatiques ou Consulaires, cette faveur s'étendra immédiatement à l'autre partie, et ce, gratuitement, si la concession est gratuite ou avec la même compensation si la concession est conditionnelle.

XXVI. Si par un concours de circonstances malheureuses, des différends entre les deux Hautes Parties Contractantes occasionnaient une interruption dans leurs relations d'amitié et qu'après avoir épuisé les moyens d'une discussion amicale et conciliante, but de leurs prétentions respectives n'eût pas été complètement atteint, l'arbitrage d'une troisième puissance amie et neutre, invoqué d'un commun accord avant de pouvoir en appeler au fun usage des armes. Est excepté le cas où la partie qui se croit offensée, n'obtiendrait pas que l'autre, dans le terme de 3 mois compter du jour de l'invitation qui lui sera faite à cet effet, co accorde le choix de l'arbitre d'un commun accord, ou en défaut d'accord, par la voie du sort.

Il est convenu que dans le cas d'une interruption de relations d'une rupture complète, les citoyens du pays de l'une des Parties Contractantes établis ou résidant dans les Etats d'autre et y exerçant le commerce ou quelque autre profession privée la faculté d'y rester en continuant leur profession ou leur sans être troublés dans la jouissance de leur liberté et biens, pour autant qu'ils se conduisent pacifiquement, n'enfreignent pas les lois du pays, et leurs biens et effets pas sujets à être saisis ou séquestrés et ne seront soumis à impôt que n'auraient point à payer, sur des biens espèce, les citoyens du pays.

Les négociants et les autres personnes résidant auront 6 mois pour régler leurs comptes et disposer, à l'intention de quitter le pays; ceux qui n'ont pas l'intention de quitter le pays, et un an

sera délivré pour s'embarquer dans le port qu'ils choisiront. En aucun cas, les dettes entre particuliers, les fonds publics, ni les actions de compagnies, ne seront saisis, séquestrés ou confisqués.

XXVII. Le présent Traité d'Amitié, de Commerce, et de Navigation sera en vigueur pendant 10 ans, à compter du jour de l'échange des ratifications ; et si, un an avant l'expiration de ce terme, aucune des Parties Contractantes n'annonce son intention d'en faire cesser l'effet, il continuera d'être obligatoire pour les deux parties, jusqu'à l'expiration d'un an après que la dite notification aura été faite.

XXVIII. Le présent Traité sera ratifié et les ratifications en seront échangées à Caracas le plus tôt que faire se pourra.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Traité et y ont apposé leurs cachets particuliers.

Fait à Caracas le 19 Décembre, 1862.

(L.S.) W. STURUP.

(L.S.) MORALES MARCANO.

*CONCORDAT between Rome and The Equator.—Signed at Rome, September 26, 1862.*

[Ratifications exchanged at Quito, April 17, 1863.]

(Translation.)

WHEREAS a Concordat was concluded and signed in the city of Rome on the 26th of September, 1862, between His Holiness the Supreme Pontiff, Pius IX, and the Republic of Equator, the tenor whereof is as follows :

In the name of the Most Holy and Indivisible Trinity.

His Holiness the Supreme Pontiff, Pius IX, and the President of the Republic of the Equator, have appointed as their respective Plenipotentiaries :

His Holiness, his Eminence James Antonelli, Cardinal of the Holy Church of Rome, Deacon of St. Agatha of Suburra, Secretary of State and for Foreign Affairs ; and

His Excellency the President of Equator, his Excellency Ignatius Ordoñez, Archdeacon of the Cathedral Church of Cuenca, in the said Republic, &c., &c., and Minister Plenipotentiary to the Holy Sec.

Who, after communicating to each other their respective full powers, have agreed upon the following Articles :

ART. I. The Roman Catholic Apostolic Religion shall continue to be the sole religion of the Republic of Equator, and shall be maintained there with all the rights and prerogatives which it ought



enjoy in accordance with the law of God and the canonical provisions. Wherefore, no other worship or society, condemned by the church, can ever be allowed in the Republic of Equator.

II. In each of the present dioceses, and in such as may be hereafter established, there shall be a diocesan seminary, the direction, rules, and administration of which shall appertain exclusively to the diocesan Ordinaries, in conformity with the provisions of the Council of Trent and other canonical laws. The rectors, professors, and others employed in the teaching and management of the said establishments, shall be freely appointed and removed by the aforesaid Ordinaries.

III. The instruction of youth in the universities, colleges, faculties, public and private schools, shall be conducted entirely according to the doctrine of the Catholic religion. The bishops, therefore, shall have the exclusive right of naming the books or texts for teaching the ecclesiastical sciences and for moral and religious instruction. Moreover, the bishops and the prelatial Ordinaries will freely exercise the right which they possess of prohibiting such books as are opposed to religion and good morals; it being likewise the duty of the Government to keep watch and to adopt the requisite measures to prevent the introduction and circulation of such books in the Republic.

IV. The bishops, in fulfilment of the duty of their pastoral ministry, will take care that no teaching be contrary to the Catholic religion and decency of manners; wherefore no one shall be allowed to teach theology, the catechism, or religious doctrine, either in a public or private establishment, without the previous authorization of the diocesan prelate, who can revoke the same at pleasure. For the examination of the masters of the primary schools, the diocesan shall always appoint a deputy to inquire into the religious instruction and moral conduct of the person to be examined, who cannot enter upon his office until he has been approved by the diocesan.

V. As the Roman Pontiff holds by divine right the primacy jurisdiction and honour throughout the universal church, the bishops as well as the clergy and people, shall have free communication with the Holy See. Therefore no civil authority can ever impede the free and full exercise of such intercourse, by obliging the bishops, the clergy, and people to avail themselves of the intervention of the Government to apply to the Roman See in time of need, by subjecting its bulls, briefs, or rescripts to the exequatur of the Government.

VI. The ecclesiastical Ordinaries of the Republic will govern their respective dioceses with full liberty, convocate, and hold provincial and diocesan councils, and exercise the rights which

tain to them by virtue of their sacred office, and of the canonical resolutions in force and approved by the Holy See, without any hindrance in the execution of their orders. The Government of Equator will therefore afford its powerful protection and support to the bishops, when they require them, and, above all, when they may have to resist the wickedness of men who attempt to pervert the minds and corrupt the morals of the faithful.

VII. Appeals to the civil authorities from the sentences of the Ordinaries are abolished; and, in regard to the execution and judgments issued by the Ordinaries as ecclesiastical judges, appeal can only be made to the superior ecclesiastical tribunals, or to the Holy See, according to the rules laid down in the apostolical letter of the Supreme Pontiff, Gregory XIII, beginning "*Exposcit*," and conformably with canonical directions, and especially those issued by Benedict XIV, for matrimonial suits, in the Constitution "*Dei Miseratione*;" or appeal may be made either for nullity or impeachment before the superior courts. The ecclesiastical judges will pronounce their judgments without previously submitting them to the opinion of secular assessors, with whom, however, they may consult if they deem it necessary. Ecclesiastical advocates may perform the duty of assessors in this class of judgments.

VIII. All ecclesiastical suits, and especially matrimonial suits and those regarding the faith, sacraments, morals, holy functions, sacred duties and rights, either in respect of persons or matters, excepting the more important suits reserved for the judgment of the Supreme Pontiff, by the provisions of the Holy Council of Trent, sess. 24, chap. 5, "*De Reformatione*," shall be brought before the ecclesiastical tribunals only. The same shall be observed in the civil suits of ecclesiastics, and in others which relate to transgressions comprehended in the penal code of the Republic. In all trials appertaining to ecclesiastical judges, the civil authorities shall render their aid and assistance, in order that the penalties and sentences awarded by them may be observed and carried into effect.

IX. The Holy See permits ecclesiastical persons and property to be subject to public taxation, on a par with the persons and property of other citizens of Equator, but should coercion be necessary, the civil power must act in concert with the ecclesiastical authority, in order to obtain the requisite authorization. The seminaries, the property and things strictly devoted to public worship and charitable institutions, are exempt from this kind of taxation.

X. Out of respect for the House of God—who is King of Kings and Lord of Lords—the immunity of churches shall be preserved, so far as public security and the exigencies of justice permit; and in this case, the Holy See consents that the ecclesiastical authority, the rectors and prelates of the regular establishments, may,

on the requisition of the Government, give the necessary permission for the extradition of the refugees from the sacred buildings.

XI. The produce of tithes being destined for the maintenance of Divine worship and its ministers, the Government of Equator pledges itself to maintain in the Republic this catholic institution, and His Holiness agrees that the Government of the Republic shall continue to receive one-third of the revenue from tithes. For the collection and administration of the revenue from tithes the civil and ecclesiastical authorities will concert proper regulations.

XII. In virtue of the rights of patronage conceded by the Supreme Pontiff to the President of Equator, the President can propose for the archbishoprics and bishoprics, clergymen who are worthy of such distinction, in the sense of the holy canons. Wherefore, so soon as an episcopal see shall have become vacant, the archbishop shall demand the votes of the other bishops to provide for the vacant seat; but should the vacancy be in the archbishopric, the senior bishop will require the votes for the same purpose. When the votes have been obtained, the archbishop or the senior bishop will submit at least 3 candidates to the President, who will select one of them, and propose him to the Roman Pontiff, so that he may confer upon him the canonical institution in the form and manner prescribed by the holy canons. In case the bishops, from what cause soever, should not make this presentation to the President within 6 months, the President will himself propose a candidate to the Roman Pontiff for the vacant see; and should he fail to do so within the period of 6 months, the election shall be reserved to the Holy See, agreeably to the President's own request. Wherefore the Government, or the ecclesiastical authority of the place, shall report to his Holiness, at the expiration of the said space of time. But the persons proposed cannot interfere in any way in the administration and management of the churches before they have received the bulls of canonical institution. When new bishoprics are to be erected, the President of the Republic will himself propose the new bishops to the Holy See for the first time.

XIII. In like manner His Holiness grants to the President of the Republic the right of appointing worthy ecclesiastics to the prebends of cathedral chapters, whether dignities or canonries or rations; excepting, however, the first dignity, which will be reserved for the free collation of the Holy See, excepting also those prebends which, not being subject to examination or competition, may become vacant in the months of March, June, September, and December, and which are to be freely conferred by the bishops. The Doctoral, Penitentiary, Magistral, and other prebends which are subject to examination or competition, will likewise be conferred by the bishops alone, after examination and proof of doctrine accord-

ing to the canonical provisions. Finally, should any chapter be wanting in the number of capitular members prescribed in the bulls for the erection of the respective dioceses, the bishop may forthwith, or as soon as there is sufficient revenue, erect the deficient prebends, which are to be conferred in conformity with the rules established in this Article.

XIV. As regards the collation to parochial benefices, the Ordinaries, after having complied with the prescriptions of the Holy Council of Trent, shall forward to the Government the names of three worthy ecclesiastics, on whom the parish might be conferred; and the President either himself, or through his delegates in the provinces, will elect one of the 3. Should the Government for special reasons require three other names, the Ordinary may send them, but on the understanding that this second ternary number can in no wise be rejected. If it be necessary to divide parishes, this can be done by the bishops, with the concurrence of the local civil authority.

XV. When the chair of any cathedral church becomes vacant, its chapter will freely elect the capitular vicar, within the time and according to the rules prescribed by the Council of Trent; but the election once made the chapter cannot annul it, nor proceed to a new one; any custom, however ancient, to the contrary, which is at all at variance with the holy canons, being entirely abolished.

XVI. The Holy See, in the exercise of its rights, will erect new dioceses, and make new circumscriptions in those which exist; and taking into consideration the great extent of the dioceses into which the Republic is already divided, so soon as the present Concordat shall be ratified, will confer the necessary powers on a special delegate, who, together with the Government and the respective bishops, will determine the boundaries of the dioceses, and fix the endowment and other revenues of the bishops, chapters, and seminaries.

XVII. The executive Decree, issued in Equator, on the 28th of May, 1836, relating to the redemption of charges imposed on property in favour of the church, is abrogated; and the Holy See, in consideration of the benefits which will flow from the present Concordat, and earnestly wishing to provide for public tranquillity, and to remedy the evils suffered by the country, in consequence of the transfer of those charges to the national treasury, accedes to the repeated requests of the President, decrees and declares that those persons who from the year 1836 up to the present time have made or promoted such transfers, and also the holders of the property in such manner redeemed, and those who may succeed thereto, shall not at any time nor in any manner ever be molested, either on the part of His Holiness or of the Roman Pontiffs his successors.

XVIII. As to the liabilities contracted by the Government with its creditors on account of the charges transferred, the Holy See permits, that on payment of one-tenth of the capital transferred to the public treasury, as also of the interest due thereon, the Government be exempted from all responsibility. As a security for the payment of this sum, the Government assigns one-fourth of the thirds which it collects from the tithe funds, and which it will deliver into the hands of the Ordinaries. But in order that the aforesaid sum may be proportionately divided amongst the legitimate creditors, and likewise that the principal be securely and advantageously placed, rules shall be laid down by the Ordinaries in concurrence with the delegate of the Holy See, who will be thereby invested with the fit and necessary powers for the purpose. Henceforth no possessor of property, liable to such charges, will be allowed to transfer the recognized capital to the public treasury; and those who may be desirous of relieving their property from this charge can only do it with the previous intervention of the ecclesiastical authority, depositing the recognized capital in the hands of the Ordinary, who shall have the power of reducing it if necessary, prudently and equitably, provided that the interest of the church be attended to in every case.

XIX. The church shall enjoy the right of acquiring fresh property by any just title; and the property which it now possesses, or that it may possess hereafter, shall be guaranteed by law. The administration of ecclesiastical property belongs to the persons designated by the canons, and they alone can examine and consider the accounts and economical regulations to be given and received. The property of ecclesiastical foundations, of any description whatever, appertaining to hospitals and other charitable establishments which are not now administered by ecclesiastical authority, shall be made over to it, so that the ecclesiastical power may immediately apply it properly. As regards the old and new ecclesiastical foundations, no suppression or union can take place without the authority of the Holy See, saving the powers granted to bishops by the Holy Council of Trent.

XX. Besides the religious orders and congregations now existing in the Republic of Equator, the diocesan Ordinaries can admit and establish freely and without exception, in their respective dioceses, new orders or institutions approved by the Church, in conformity with the wants of their people, and with the aid of the Government.

XXI. In all the churches of the Republic of Equator, the following prayer shall be said after divine service:—"Domine, salvam fac Reipublicam; Domine, salvum fac Presidem ejus."

XXII. The Government of the Republic of Equator pledges itself to furnish all fitting means for the propagation of the faith,

and the conversion of infidels living in its territory, and to give all aid and assistance in the establishment and progress of the holy missions, which may be sent thither for that laudable purpose by the Sacred Congregation for the Propagation of the Faith.

XXIII. All such other things as belong to ecclesiastical persons or affairs, and for which no provision has been made in the Articles of this Concordat, are to be directed and administered according to the canonical and existing discipline of the Church, approved by the Holy See.

XXIV. In virtue of this Concordat, all laws and decrees published heretofore in any form whatever in Equator, in so far as they are at variance with its contents, are hereby abrogated; and this Concordat will henceforth and for ever be considered as a law of the State. Therefore, each of the Contracting Parties engages for itself and successors faithfully to observe all and every of the Articles herein agreed to. Should any difficulty occur hereafter, His Holiness and the President of Equator will confer with each other in order to settle it amicably.

XXV. The ratifications of the present Concordat shall be exchanged within the term of one year, or sooner if possible.

In witness whereof the aforesaid Plenipotentiaries have signed this Concordat, and sealed it with their respective seals.

Given at Rome on the 26th day of September, 1862.

(L.S.) IGNATIUS ORDONEZ.

Therefore,

In the name of the Republic of Equator, and in the exercise of the authority on me conferred by the sole paragraph of Article II of the Law of 17th of April, 1861, I do accept, ratify, and solemnly confirm the foregoing Concordat, pledging my word and the national honour to the upright fulfilment of the clauses and stipulations contained therein, and in the 3 official notes hereunto annexed.

In witness whereof I have had the present ratification issued, signed with my own hand, sealed with the seal of the Republic, and countersigned by the Minister for Foreign Affairs, at Quito, the 17th of April, 1863.

(L.S.) R. CARVAJAL.

(L.S.) GABRIEL G. MORENO.

*From the Vatican, September 26, 1862.*

The Undersigned, Cardinal Secretary of State, hastens to reply to your Excellency's note of this day's date, which, having reference to the comprehension of some of the Articles of the Concordat lately signed, must, like this note, form an integral part of that solemn act.

In Art. VIII, the existence of an ecclesiastical jurisdiction for the civil and criminal suits of the clergy, has been declared and confirmed. However, as your Excellency—with a view to render the action of punitive justice more efficacious, and to prevent the repetition of scandals which, arising from ecclesiastics, would be a very bad example to the faithful—has requested that the Holy See should take the necessary steps for the termination of the proceedings and trials in the ecclesiastical courts in the shortest possible time, and in strict conformity with the canonical laws; and likewise that all clergymen relapsing into the same offences punishable according to the laws of the Republic, be deprived of the privilege of ecclesiastical jurisdiction as well in civil as in criminal suits, and that they therefore be tried by the civil courts. Your Excellency, moreover, proposes that in order to determine and decide the relapse, it shall suffice to prove before the tribunals of the State, that the clergyman has committed the same offence within the last 12 months. The Holy Father, aware of the just reasons which have prompted the Government of Equator to make the above-mentioned request, has instructed the Undersigned to inform your Excellency that he will, without loss of time, send an encyclical letter to all the bishops in Equator, enjoining them to accelerate and bring to a conclusion, in the shortest possible time, all civil and criminal suits of the clergy in full conformity with the canonical provisions; and at the same time His Holiness grants that ecclesiastics who may relapse, in the sense indicated by your Excellency, be deprived of the privilege of subjecti<sup>o</sup>n to ecclesiastical jurisdiction, as a punishment; and he concedes the necessary authority to enable the judges to inflict the penalties imposed by the Holy Canons on misdemeanours, such as intoxication, concubinage, traffic, or others not mentioned in the penal code of the State.

With reference to Article XIX, in which it has been stipulated that the administration of all property of ecclesiastical foundation is to devolve on the Church, His Holiness accedes to the petition made by your Excellency in the name of the Government of Equator, that is to say, that it is understood that all such property as has for a long time back been destined to objects of public interest or beneficence are excluded from the aforesaid devolution.

In consequence of the deficiency of canons in the metropolitan church and cathedrals of Equator, your Excellency has requested the Holy See to give authority for the prebends of rations and half rations (*racioneros y medioracioneros*) to take part in the election of the capitular vicar, spoken of in Article XV, and also in other capitular acts; His Holiness, acceding to this petition, has ordered the issue of an apostolic brief, in which the aforesaid prebends of rations and half rations are to be declared canons of second institu-



tion, with all the rights and privileges of the other canons, especially including that of taking part in the election of the capitular vicar.

With regard to Article XX, relative to religious orders, your Excellency deplores the evils that arise from the non-observance of monastic discipline, and the abuses committed by the regulars who neglect their vocation, and requests the Holy Father to adopt efficacious measures in the matter. Influenced by your Excellency's statement in regard to the above-mentioned evils and abuses, His Holiness has resolved to issue a decree adopting active remedies, instituting one or more houses for each religious order, in which the living shall always be in common, and enjoining the strictest adherence to their constitutions; enforcing in all the religious houses rigorous measures against incorrigible ecclesiastics, and authorizing the apostolic visitor to introduce new orders, to change those now existing, and to adopt such other measures as the good of the church and the interests of those salutary institutions demand.

The Undersigned, &c.

(L.S.) J. CARD. ANTONELLI.

*From the Vatican, September 26, 1862.*

The Undersigned, Cardinal Secretary of State of His Holiness, has the honour to acknowledge the receipt of your Excellency's note of to-day's date, in which, with reference to Article VIII of the Concordat, relating to the privileges of ecclesiastics, subjects of the Republic of Equator, in civil as well as criminal suits for misdemeanors comprised in the National Penal Code, your Excellency declares in the name of the Government of the Republic of Equator, that if in such suits, from serious causes or extraordinary circumstances, a modification or derogation of ecclesiastical privileges should be requisite, the Government of Equator will not take any steps therein without first obtaining the consent of the Holy See, which will enter into an amicable agreement according as may be required. If in the meantime, on account of political misdemeanours it should be necessary to adopt any measures against the ecclesiastical delinquents, the Government will solicit proper authority from the diocesan prelate to proceed against the ecclesiastics, according to the laws in force. When it is desirable to secure the offender, the arrest shall be made with the caution and circumspection due to the excellence of the clerical state, and the places of imprisonment shall always be the convents, ecclesiastical buildings, or other places distinct from the common jails. Finally, when the question concerns a sentence which imposes capital punishment, the canonical prescriptions are to be observed.

Be it known that the Holy See amongst the powers given to its apostolic delegate for the fulfilment of Article XVI of the Concordat, will also concede such as are required for the arrangement and application of the tithe revenues of the Republic, and determining the mode of rendering productive the capital appertaining to the charges on property which the Treasury will restore, and for reducing the responsibilities of chaplains, whose rights to such charges are in part conceded to the Government in virtue of the Concordat.

Agreeing on these points, the Undersigned, in the name of the Government of His Holiness, reciprocally approves and confirms them, and at the same time has the honour to reiterate to your Excellency the sentiments of his distinguished consideration.

The Undersigned, &c.

(L.S.) J. CARD. ANTONELLI.

The Undersigned, Cardinal Secretary of State of His Holiness, in reply to your Excellency's note of to-day, after having received proper instructions from the Holy Father, and fully cognizant of the benefits that will accrue to the church from the Concordat recently concluded between His Holiness and the Republic of Equator, and with a view to secure the public tranquillity of that State, declares that those who by reason of past events have acquired from the Government, property appertaining to the Church, or have succeeded the purchasers in the possession thereof, will never be molested on that account, either by the reigning Supreme Pontiff, or his successors; that those persons can safely and peaceably enjoy the possession, rents, and other emoluments of the said property.

The Undersigned declares likewise, still having in view the utility of the aforesaid Concordat, that the holders of property subject to charges in favour of the Church, who may have paid the interest of the charges at two per cent, taking advantage of the authorization of the civil law, are freed from all responsibility, and can henceforth continue to pay legally the said two per cent. in money or effects.

The Undersigned, &c.

(L.S.) J. CARD. ANTONELLI.

### *CORRESPONDENCE respecting Abyssinia.—1846—1860.*

*No. 1.—Mr. Plowden to Viscount Palmerston.—(Rec. December 2.)*  
*Extract.)* *Massowah, October 15, 1846.*

HAVING spent nearly 4 years in the interior of Abyssinia, on my return I was pressed by the principal Chief in this part of the

country, Ras Ali, to undertake the conveyance of a few presents to Her Majesty, the fame of whose greatness had reached his ears. For some time I refused, conscious that I should be embarrassed for want of funds; when I reflected that Her Majesty's Government having already sent a Mission on an extensive scale to the King of Shoa, might not be indisposed to turn its attention to a portion of Ethiopia equally interesting and important, and more central. This determined me to accept the task, and, accompanied by an Envoy whom the Ras added for the sake of form, I reached Massowah in safety.

It is not for me to offer any suggestions, but should it be thought advisable to accept the presents and answer the letter of the Ras, or the contrary, I should feel grateful to your Lordship for communicating the same through Captain Haines at Aden with all dispatch.

Not to waste your Lordship's time, I shall merely add, as my duty, that if these presents are now refused, and I am consequently obliged to return them to their donor, it will be perhaps hereafter a source of regret, particularly as a large portion of the country is under the influence of the Chief Oobeay, who, having already quarrelled with a French Mission, and aware of the former friendship of the English with Sabagardis, is by no means favourably disposed towards Europeans generally; and should the advances of the Ras be now rejected, the access to this magnificent and almost unknown region will probably be rendered difficult for years, if not closed to the man of science or the zealous missionary.

Your Lordship will be pleased to excuse the informal nature of the document in consideration of the circumstances.

Coming from the quarter they do, I need hardly state that the presents are of no pecuniary value.

*Viscount Palmerston, G.C.B.*

WALTER PLOWDEN.

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*No. 1 B.—Memorandum delivered by Mr. Plowden to Viscount Palmerston, August 13, 1847.*

It is not to be supposed that the Ras, in sending these presents to Her Britannic Majesty, could have in view any more definite result than a certain interchange of courtesy, and the consequent facilities and protection that would be afforded by him to English travellers. The feudal military system of government in Abyssinia, rendering their ideas of the value of commerce both limited and careless, and though sufficiently acute to understand the nature of Treaties, it would be difficult to induce them to see the necessity of adhering to them when they should appear to militate against their interests in the slightest degree.

Seeing, however, that as a nation they are intelligent, and that

the Ras, individually (the most powerful of their Chiefs) is of a reflective and humane disposition, and always amenable to reason from these he may consider his friends, it is possible that the acceptance of this civility from him, with a corresponding reply from Her Majesty, may lead to results which, though he could neither suggest nor foresee, he may be induced to appreciate.

In shortly regarding the value of a commercial relation with his country to be based not on Treaties, but on the stronger tie of mutual interests, I would particularly mention two points:—1st. That on the only route at present conducting with ease to his territory, viz., by the port of Massowah, there is no water carriage for commodities; yet the overland trade, consisting of valuable articles, such as gold, ivory, musk, coffee, gum, &c., might, if properly encouraged in the interior and on the sea-coast, absorb a considerable amount of our manufactures. 2ndly. That there already exists, under the great checks that this commerce labours under, a demand for those manufactures.

For the interior, were the Ras convinced of the benefit that would accrue to his revenues by a proper consideration of his mercantile community (who are both enterprising and talented) a better regulation of his system of imposts, aided by our co-operation and protection on the coast would quadruple the existing trade within a very short period.

On the friendly intercourse that would thus be established, a vast improvement in the social and political position of Abyssinia would immediately ensue, simply by the instruction they would receive in those arts which should enable them to employ the resources and productions of their own noble and neglected country, and the new wants and luxuries introduced amongst them would speedily incite a spirit to and a necessity for labour, that would divert their attention from that lust of war and ambition, sprung from idleness, that now devastates the land, and call into existence a class of labourers and artificers that would counterbalance the military, and force their Chiefs into a system of government better adapted for the security of their new pursuits. As acquainted intimately with the character of the Abyssinians, I would venture to remark that, in replying to the Ras, the more stress that is laid on our superiority in arts and science, and the less that is said of our powers in war, the better; as, though he might have the sense to see that we should never wish to avail ourselves of our strength, yet the great body of his councillors have the undefined jealousy on that point of most savage nations, which renders them irritable, and might defeat in a moment, or retard, our views.

With the military strength that the Abyssinians possess, the small belt of nomadic tribes that separates the Christian country

from the coast would be no obstacle to the freest commercial intercourse.

It would not, perhaps, be irrelevant to remark that, being personally known to all the chief merchants of that country, they particularly requested me to point out their value for, and their wish as far as possible to place themselves under, British protection.

The feeling both of the Chiefs and the merchants at present, or at least lately, was strongly, in favour of the English nation, as there exists a pretty general knowledge amongst them that France and Great Britain are the two preponderating influences. Whether a French Mission that has been lately sent to the Chief of Tigré, being I think the fourth in that quarter, may succeed in changing this idea, I know not. On hearing of it, I communicated with that Chief through an old English resident, Mr. Collin, reminding him of the ancient friendship of his family with our nation, and requesting him not to commit himself until he heard further from me.

Should Her Majesty's Government require me to enter more into detail on the various topics connected with that part of Africa, I shall feel proud of the prospect of making myself useful; and trust, in the meantime, that these cursory remarks may not be considered unwarranted.

*Viscount Palmerston, G.C.B.*

WALTER PLOWDEN

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*No. 3.—Memorandum on Trade of Abyssinia.*

THE trade of Abyssinia, and of all the adjacent countries occupied by the Gallas, that is, from 15° north latitude to the Equator, and from the course of the White Nile to the Red Sea, and the Indian Ocean, now flows in four directions. The most inland route is along the course of the White Nile to Khartoom, principally a slave traffic, and is joined at that place by a branch from Gondar, the capital of Christian Abyssinia. Another from the interior, south-easterly, to Mellinda, on the east coast. Another running east to Zeyla or Tajoura, through the Christian country of Shoa: and, a fourth, north-easterly to the Red Sea, to the ports of Massowah and Souakim.

The consideration of the first branch is unnecessary at present. The traffic of the other 3, besides slaves, consists almost entirely of goods the produce of the Galla provinces of Enarea, Kaffa, Djimma, Gooraguay, Jingerro, &c., between the latitudes of 3° and 8° north. Their several advantages, as affording facility of access to those provinces, are as follows:—The route from Mellinda or its neighbourhood is the only one on which a communication by water, even to a certain distance, can be looked for on the Rivers Joob or Gojeb, but, from the nature of the country generally, I am inclined to think that this would be stopped by the mountain range, not far

inland, and before reaching those productive tracts I have mentioned: also the numerous barbarous tribes that inhabit the banks of these rivers would at first render the journey dangerous and slow, it would, however, be exceedingly advisable that every encouragement should be given to the thorough examination of these rivers. The route by Zeyla presents the advantage of passing in one district through the Kingdom of Shoa, a Christian nation acknowledging one Sovereign; on the other hand, his dominions are divided from the sea by an extensive and dangerous tract of country afflicted with severe drought during a great portion of the year. On the fourth route, the branch to Souakim labours under a similar disadvantage, and is also farther from the central point than the one to Massowah, which is comparatively free from these difficulties.

The caravans from the interior on crossing the Blue Nile at Basso, about 120 miles to the northward of the great emporium of Enarea, traverse a Christian country from thence to Dixa, an easy journey of 3 days from Massowah. Of this latter, even in the dry season, there is only a space of 30 or 40 miles unprovided with water, and this, from their ignorance of well-making or other precautions; and the tribes inhabiting this belt between the sea and the high plateau or table-land commencing at Dixa, are a tolerably well-disposed though ignorant nomadic race, nominally under the jurisdiction of the Naïb of Arkecko.

The heat of this part of the coast is great during the summer months, but not unhealthy. The traffic is entirely carried on by means of beasts of burthen, which are numerous and cheap in all parts of the interior—horses, mules, and donkeys. these are left on the hills and the packages transferred to camels when about 60 miles from the coast.

Caravans arrive at and quit Massowah at all seasons of the year, but are most numerous about August and February.

The mussulmans alone of Abyssinia export slaves. The goods that are brought from the interior are gold, of a not very fine quality, ivory, coffee equal to that of Yemen, musk or zibad, wax, some kinds of spices. Though gum abounds everywhere, even near the coast, the trade in that article has hitherto been comparatively trifling. From the cheapness of cattle a valuable trade in hides might be formed; much of the uncultivated land would be favourable to the production of indigo, and cotton might be grown in the neighbourhood of Massowah. Hippopotamus teeth are available in quantities were there a demand; saltpetre and sulphur are found abundantly, the latter particularly in a mountain about two days' journey from the coast. The export of mules to the Mauritius has been large of late years. The whole country abounds with iron.

I bought specimens, now lost, of gold ore from the vicinity of Gondar, of which the inhabitants are ignorant, containing also copper. The duties at present levied on the Abyssinian exports at Massowah amount, I have reason to think, to about 70,000 dollars per annum, but I could not state this with certainty.

The return produce is as follows:—British goods, brought by the Parsee traders from Bombay, consist of calicos, plain and printed; scarlet cloth, silk, carpets of brilliant colours, red and blue Indians, or India piece goods in large quantities, velvet, and muslins. European sword-blades are much valued, but must be of a particular kind to suit the market. Matchlocks alone are prized on the other side of the River Tacasse as yet, but in the province of Tigré, a strong predilection exists for flint muskets, and even for percussion fire-arms.

The dress of the inhabitants consists at present entirely of cotton cloths, spun and woven by hand labour; and in some years they purchase the raw material largely from Bombay, though entire provinces amongst them are cultivated with that article; but if once induced to adopt our common fabrics, the raw produce would probably come into the market. A good cloth of the country costs the wearer 3 to 4 dollars, which (considering that 1 dollar of grain is a year's consumption for one person) is an extravagant price. The only money that passes current is the German crown of Maria Theresa.

Of other European commodities in demand, I may mention German sword blades, matchlocks of Syria and Persia, carpets of any fabric, looking-glasses, copper in any shape, red morocco, frankincense, bottles, and tumblers; for the Galla market immense quantities of beads are brought from Trieste through Egypt and Djeddah. Cutlery has been introduced, though an English knife is always an acceptable present.

The Abyssinian merchants are spirited and enterprising, and always inquire eagerly for novelties; and the genius of the nation generally appeared to me decidedly biassed towards trade. At present they are content with slow journeys and a large profit, the caravans being sometimes a year between Enarea and Massowah, but the principle of quick returns is thoroughly understood by the inhabitants of Tigré, the nearest province to the coast, and could some weights be removed even partially that now press heavily on the commerce of Abyssinia, I doubt not that it would again flourish, as when the merchants of India and Arabia thronged the harbour of the now ruined and forgotten city of Adoolis (in the Bay of Arkeeko).

The first and most important point would be to insure the British protection, and that effectually, to the Abyssinian merchants



when they reach the coast. This, they themselves ardently long for ; and it is my opinion that it cannot be afforded to them with mutual advantage save at Massowah, or its immediate neighbourhood.

The appointment of a Consul at that place would be of use, that he might report the course of events ; but the occupation of that island, if possible, by the English would be the most effectual means of establishing a permanent and valuable trade with the whole of the interior of this portion of Africa. The consequences of this would be that the intervening tribes would quietly submit to their neighbours, and the intercourse between the Christian country and the sea-coast become uninterrupted and constant. A Treaty effected with the Ras on friendly terms would insure access to the English to all his dominions, and he would easily be convinced of the utility to his revenues, of encouraging his own mercantile community by a better system of imposts, by improving the roads, and by building a few bridges, for which he would then be able to procure artificers. A resident or residents at his Court might insure with a little tact his correspondence in all our views.

Some time since a Treaty was broached between the English and the native Chief of Tigré, the basis of which was that the trade of Massowah should be diverted into a new channel, by an English establishment in the Bay of Amphylla to the southward, the Chief on his part engaging to open the road through the country of the Taltals for the caravans to the coast. In the present unsettled state of the district of Tigré, there would be many difficulties now in the way of such a scheme, still should no other spot be available, I think that our first object should be to secure a footing, however small, on any point within 40 miles of Massowah, that will furnish a harbour.

Now if there exists a difficulty in treating with the Porte for any part of its possessions in that quarter, our views should be directed to a bargain with the Naib of Arkeeko, who is still acknowledged virtually as Sovereign of the mainland. The Treaties, in fact, existing between him and the Sultan, for the occupation of Massowah, are, I believe, rather ill-defined, but in point of fact the Turks pay the inhabitants of Arkeeko a subsidy of 1,000 dollars a month, and have no settlement or authority on the mainland. How far the Naib has bound himself not to dispose of any portion of his territory to other Powers I know not ; but if he could be induced to sell to us any position on the land surrounding the Bay of Arkeeko, where fresh water is found, I should not think there would be any other material difficulty. At present the traders are all forced to dispose of their goods in the Island of Massowah. Should this idea be considered worthy of consideration, I beg to point out as an agent with the Naib, Mr. Coffin, who has been in

that part of the country nearly 40 years, and is well acquainted with all the former Treaties, the language, laws, &c. The jealousy and constant disputes between the Turkish Governor and the Naib, as well as the poverty of the latter, would perhaps facilitate any dealings with him. Supposing a British trader were established in that quarter, ships would time their voyage according to the Monsoon, arriving with the end of the southerly winds, and departing with the commencement of the northerly, in which case the distance between Massowah and the Indian Ocean would never occupy more than 5 or 6 days to 10. The voyage is, I believe, much less dangerous than that of Djiddah, and an accurate survey from Aden and the buoying of the channel through the Bay of Arkeeko would render it perfectly safe. The harbour is tolerable, but that of the Island of Massowah itself is excellent.

In fine, I would state it is my opinion, that our possession of the Island of Massowah, would render a permanent and valuable commercial intercourse with the whole of the interior of Abyssinia certain, and that an establishment on the mainland, if it could be effected through the Naib independent of Massowah, would offer a fair prospect of the same, attended however with some difficulties and a greater expense. Nor do I think any other part of the coast can compare with this in facilities for such a purpose.

I will now shortly state the position of Ras Ali in the interior, that no misunderstanding may exist with regard to our relations with him. The rightful Emperor still resides, a shadow of royalty, at Gondar, and Ras Ali represents the race of powerful Chiefs, Galla by origin, but now Christian, who have now retained the Government about 60 years. He has reigned about 16 years, and is much loved; but, as may be supposed, his power, though great, is not so fixed but that an unsuccessful battle may hurl him from his throne: he is rather, therefore, to be designated as the most potent Chieftain than as a King, and his influence extends on the one hand to Dixa, on the other to the Gallas and to Shoa, though sometimes disputed. With so uncertain a Government, I need scarcely point out the necessity for particularly considering the degree and nature of the alliance that we might form with him and his family, and the precise instructions on this point that should be given to whoever may be appointed to carry it into effect.

Respecting the Slave Trade, this being carried on, as I have mentioned, solely by the Mahomedans, and many of the Christian Chiefs being averse to it and permitting it solely on account of the duties they levy, our presence and advice would soon induce them to put a stop to it throughout Northern Abyssinia, as I have heard them express the wish to do. This would be at least a good commencement on this coast, and unattended with violence or expense;

and more would be effected in this way and that of civilizing the country generally in two years, than by the efforts of our missionaries in a century.

WALTER PLOWDEN.

*No. 4.—Mr. Plowden to Mr. Addington.—(Received August 28.)*

SIR,

August 28, 1847.

I HAVE the honour to submit, for your perusal, a short memorandum, as desired by you on Thursday, and respectfully awaiting a reply to the communication I then laid before you.

I am, &c.

H. U. Addington, Esq.

WALTER PLOWDEN.

*(Inclosure.)—Memorandum.*

IN reviewing the claims of different Powers to the Island of Massowah and the neighbouring coast, the one that has the priority is doubtless that of the Emperor of Abyssinia, who appointed the Baharnagaseh, or Ruler of the Sea. This officer resides at Dixa, and still retains his title; but so long a time has elapsed since he has been obliged to withdraw from all active interference near the sea, that, with reference to a British establishment, his rights may be considered null in that quarter.

There remains the somewhat complicated question of the respective rights of the Naib of Arkeeko, and the Turkish Government, now represented by the Officer of the Pasha of Egypt.

Some hundreds of years since the Turks appear to have conquered the coast, and to have appointed the Naib, a native Chief-tain of power, who embraced the Mahomedan religion, as their representative on the mainland, he paying tribute. They subsequently abandoned their conquest in this quarter, and the Naib (whose residence is about 6 miles from Massowah), became virtually an independent Sovereign, over both the mainland several days' journey along the coast in either direction, and the Island of Massowah, and ceased to pay tribute.

In consequence of some disputes that occurred in his family, as to who should be the Chief, it would appear that the Turks were again invited by reference to the Pasha of Djiddah, to settle this point, and to the occupation of the island, they paying to the Naib a stipend of 1,000 dollars per month, in consideration of abandoning to them the duties levied on all merchandize, imports and exports; thus apparently, however, nullifying their former claims of vassalage. In fact, for some time the Naibs ceased to require a firman, but latterly they have even presented themselves at the island, and received their appointment from the Turkish Governor.

It is clear that, at the period of Mr. Salt's visit some 40 years

back, the Turkish Governor possessed little authority, as his party were refused a supply of water from Arkeeko, and a skirmish occurred

In later times, within the last 8 years, it is evident also that the Naib has been considered in all respects, after his appointment—and excepting the caravans—as an independent Sovereign on the mainland; the Turkish Governor being equally so on the island. All jurisdiction on the mainland, save where Turks are concerned, rests with the Naib; he makes war or peace at pleasure, receives tribute from all the native tribes, and sells land to individuals.

If a traveller wishes to proceed into the interior, a guide must be procured from him; and not long since he extorted large sums from English and other missionaries for permission to proceed. On the appointment of a French Consular Agent, he refused to allow him to cross over to the mainland, without a permission from himself, and payment of a sum of money. But he has ceded this point altogether, and the French Agent resides at a village on the mainland, his flag being hoisted at Massowah.

I think it probable that the Pasha of Egypt will establish a fortress at Arkeeko, and forcibly deprive the Naib of the power that he still possesses, to which he could offer no effectual resistance.

Now, with reference to the feasibility of the establishment of an English factory in that quarter, on land purchased, it appears to me that this haze of undefined rights or claims resolves itself on all sides into the simple facts of strength and possession; and if the French could purchase, as they have done (hitherto without question), a portion of the mainland to the southward, in the name of the Governor of Massowah, who clearly possesses less right to it than the Naib, and who has never had a garrison or agent there, why could not we, if considered advisable, purchase in like manner, from the Naib of Arkeeko, some portion of land in the Bay of Amphylla; or how could his right to sell it be questioned, as long as the Turks have not actually occupied it, or received tribute from it?

I mention Amphylla as the next best point on the coast to the Island of Massowah, and a point to which the caravan trade that now supports the latter might be made to diverge from the interior by arrangements with the Christian Chiefs, and superior facilities afforded to the merchants themselves. I, of course, as not knowing the facilities and difficulties of these arrangements, can only point out, from the situation of the places, which would be the most important that should fix the attention of Government.

I do not think that the authorities at Constantinople are yet much aware of the importance of Massowah; and it might be easier

While you are at Tigré or Gondar (if you should think it expedient to proceed to the latter place) you will endeavour to acquire all the information within your reach respecting the commercial and political state of the country, and as to the present position of the Ras.

You will also inquire into and report upon the present situation, and the probable future stability, of the Chiefs, not only of Shoa, but of the other countries and districts which are more or less dependent upon or in connection with Abyssinia. And if you should believe that any material benefit might be derived from your visiting the capital of Shoa, you may proceed thither.

While you are in Abyssinia you will endeavour to establish friendly relations with influential Chiefs of families in the country.

On your return to Massowah you will place yourself in communication with the Naib of Arkeeko; and you will state to him that you are sent to assist in extending British commerce with the countries in the interior, and to give efficient protection to that commerce.

I am, &c.

W. Plowden, Esq.

PALMERSTON.

(Inclosure 1.)—Viscount Palmerston to the Ras of Abyssinia.

SIR,

Foreign Office, January 3, 1848.

CIRCUMSTANCES beyond my control have hitherto prevented me from replying to the friendly communication which you intrusted Mr. Walter Plowden to convey to me; but the fact of Mr. Plowden returning to Abyssinia with a commission granted to him by my gracious Sovereign Queen Victoria will satisfy your Highness that the British Government takes a warm interest in the welfare of Abyssinia, and entertains a true feeling of friendship for the illustrious ruler of that country.

I doubt not that the communication which Mr. Plowden is authorized to make to you of the desire of the British Government to enter into a Treaty with Abyssinia will be highly satisfactory to your Highness, and that the proposals which are intrusted to him will meet with ready acceptance on the part of your Highness, who will clearly perceive the great advantage which Abyssinia will derive from intimate connection with the Sovereign of the British Empire, whose dominions extend from the rising to the setting sun, and whose fleets are to be met with in every part of the seas which encompass the earth.

I recommend, therefore, with confidence, Mr. Plowden to your Highness's favour and protection; and in taking leave of your Highness, I pray that God may preserve you in his holy keeping.

Your faithful friend,

(The large Sig. et.)

PALMERSTON.

To His Highness the Ras of Tigré, Abyssinia.

(Inclosure 2.)—*Draft of Treaty between Great Britain and Abyssinia.*

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*No. 10.—Viscount Palmerston to Lord Cowley.*

MY LORD,

*Foreign Office, January 13, 1848.*

I HAVE to acquaint your Lordship that Her Majesty's Government have considered it advisable to appoint a Consul to Abyssinia, and to endeavour to enter into commercial relations with the ruler of that country.

Mr. Walter Plowden, who has resided for several years in Abyssinia, has been selected for this office, and will shortly take his departure from this country.

I inclose a copy of my instructions to Mr. Plowden. The Treaty which he is authorized to propose will apply to the usual points connected with commercial intercourse between two countries; and if it should be accepted by the ruler of Abyssinia, and concluded in due form, it will be eventually communicated to Her Majesty's Embassy; but, in the meanwhile, I do not think it necessary to send you a copy of it.

It is not necessary that your Lordship should make any communication to the Porte at the present time respecting Mr. Plowden's appointment.

I am, &c.

*Lord Cowley.*

PALMERSTON.

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*No. 22.—Consul Plowden to Viscount Palmerston.—(Rec. Oct. 3.)*

MY LORD,

*Massowah, August 16, 1848.*

I HAVE the honour to inform your Lordship that a considerable change has taken place during my absence in the relative positions of the Naib of Arkeeko and the Egyptian Governor of Massowah.

The two claimants of the title of Naib having disputed, the Turkish Governor joined the one party with his forces, took the opposing Chief prisoner, and burnt down the town of Arkeeko. Their ally the Naib Mohammed as the price of assistance, and, in fact, being unable to do otherwise, has resigned his power into their hands (the Turks), who have in consequence fortified Arkeeko, and stationed troops at other points. The Governor who accomplished this was nominally disgraced by the Egyptian Government, but is still in Massowah, and I have reason to know that his conduct is privately approved of, and his reinstatement contemplated. The Shohos or natives of the hills in the neighbourhood have retired in most instances to their hills, refusing to submit to the Turkish rule. The Governor has at present about 500 troops (Nubians). It is evident that at no distant day all the claims of Turkey to the sovereignty of Abyssinia will be revived, so far, at least, as the levying of duties upon all articles of commerce, as if they were the

from such exactions. But I have to instruct you to endeavour to ascertain whether any British subjects have so suffered; and if they have, you will remind the Egyptian Government that the Treaties between Great Britain and the Porte strictly limit the amount of duties which can be levied upon goods imported by British subjects into Turkey from foreign countries to 3 per cent. import duty, with an additional 2 per cent. in lieu of internal duties, on such goods being sold in Turkey, or being sent into the interior for sale; and you will say that Her Majesty's Government consider Abyssinia to be a foreign country as regards Turkey; but that even if it were a possession of the Sultan, which it is not, the amount of duties which could be properly levied on Abyssinian produce exported and bought by British merchants, would fall far short of what Mr. Plowden reports to be the amount levied at Massowah on the trade in Abyssinian produce at the present time.

I am, &c.

Hon. C. A. Murray,

PALMERSTON.

No. 31.—*Consul Plowden to Visc'. Palmerston.*—(Rec. Mar. 3, 1849.)

MY LORD,

Massowah, December 10, 1848.

I HAVE the honour to inform your Lordship that, since the occupation of the mainland in the neighbourhood of Massowah by the Egyptian troops, regarding which I have already written, the Naib has become so entirely subject to the Governor of Massowah, and has so completely resigned the appearance of the authority he possessed two years since, that unless some considerable change occurs, such as the abandonment of this island by the Egyptian Government or other, I see at present no chance of dealing with the Naib as an independent ruler.

I have, &c.

Viscount Palmerston, G.C.B.

WALTER PLOWDEN.

No. 33.—*Sir J. Hobhouse to Viscount Palmerston*—(Rec. March 2.)

MY LORD,

India Board, March 1, 1849

I HAVE the honour to transmit for your information a copy of two letters, dated the 28th of January, addressed by the Political Agent at Aden, one to the Secret Committee of the East India Company, and the other to the Government of Bombay, reporting an irruption made by the Abyssinian army of Ras Oobeay into the territory in the neighbourhood of Massowah claimed by the Turks.

I have, &c.

Viscount Palmerston, G.C.B.

JOHN HOBHOUSE

(Inclosure 1.)—*Captain Haines to the Sec<sup>y</sup>. to the Secret Committee.*

SIR,

Aden, January 28, 1849.

I HAVE the honour to forward copies of my latest letters to the



Secretary to the Government of Bombay in duplicate, as per margin, and to report that the neighbourhood of Aden is tranquil.

This morning I received intelligence from Massowah, and though not far from Her Britannic Majesty's Consul in Abyssinia, who is in Adowa, still dependence may be placed in it, as I have it from native sources I can rely on. The following is the statement from Massowah, dated January 12, 1849.

Ras Oobeay having issued orders to collect tribute, a force of between 8,000 and 12,000 Abyssinians, under the command of Kog Kong, made a sudden inroad into the Turkish possessions, visiting Moncooloo on the coast; from whence with difficulty M. de Goutier, the French Consul, and family made their escape, and are now located on an island with some 10,000 natives who have fled there for safety. Mr. Plowden's, the British Consul's house, was plundered and destroyed; also M. de Gontier's, and a small Roman Catholic Chapel, and their servants made prisoners.

The town of Arkeeko was also plundered; and his Excellency Halil Bey, Governor, is in dread of the plunderers visiting Massowah, having under his command only 400 Turkish soldiers.

The Abyssinian army have killed and maimed several hundreds of their own countrymen, taken 500 as slaves, and stolen about 10,000 head of cattle.

It is my intention to immediately despatch the Company's brigantine of war *Tigris*, to watch proceedings and to render any assistance Mr. Plowden or others, including our Indian merchants, may require.

I have, &c.

*The Sec<sup>y</sup>. to the Secret Committee.*

S. B. HAINES.

*(Inclosure 2.)—Captain Haines to the Chief Secretary to Bombay Government.*

SIR,

*Aden, January 28, 1849.*

I HAVE the honour to inform you that since closing my general report of to-day, I have received native intelligence from Massowah, in which I place confidence, and have consequently informed the Secret Committee of it by to-day's mail, as Mr. Plowden, Her Majesty's Consul, is at Adowa, and has not written.

The following are the particulars:—Ras Oubie ordered the levy of revenue, and a body of between 8,000 and 12,000 Abyssinians (chiefly cavalry) made an inroad into the territory claimed by the Turks. They first visited Moncooloo, and committed devastation and plundered all around, burnt Mr. Plowden's house, then attacked and ransacked M. de Goutier's (French Consul) house (who fortunately escaped with his family to an island, where some 10,000 people have also fled) and destroyed it; as also a Roman Catholic

chapel, erected by a M. Jacobi. The Abyssinian force then plundered the town of Arkeeko, and in all appear to have slaughtered about 500 people, taking as slaves 500 more, with a booty of 10,000 head of cattle. On the 12th of January (the latest intelligence) they were bivouacked not far from Massowah on the mainland, and the Turkish Governor was rather alarmed, as he has in *total* only 400 soldiers under his command.

I have requested the services of the Company's brigantine *Tigris* to proceed to Massowah to render any assistance in her power to Her Majesty's Consul and others residing there.

I have, &c.

*The Chief Secy. to Bombay Govt.*

S. B. HAINES.

*No. 34.—Consul Plowden to Viscount Palmerston.—(Received March 3, 1849.)*

MY LORD,

*Massowah, December 10, 1848.*

SHOULD it be found impossible to open any other route for commercial pursuits than that of Massowah now frequented, and should I succeed in concluding the desired Treaty with the Ras of Abyssinia, I would beg to suggest that perhaps the best way of carrying out that Article of it in which we engage to keep open, as far as possible, the approaches and the coast, would be to place under the protection of the British flag at Massowah all Christian Abyssinian merchants, with, of course, their own consent, and enrolment of their names.

I, of course, can only throw out the idea, as I do not know how far an agreement to this effect with the Egyptian or Turkish Government would be practicable.

It would be the more feasible, as the Christian merchants of Abyssinia do not deal in slaves.

In case Her Majesty's Government should think this idea not unworthy of notice, I would beg to mention that any agreement or Convention of the kind would be more complete in its effect did it include a distinct statement of the boundaries of Christian Abyssinia, and a rate of duties to be paid on all goods by the Christians of Abyssinia.

I write thus early on this subject, as I would request your Lordship to inform me how far I may sound the merchants on this subject, and lead them to look forward to our protection on the coast, earnestly desired, I think, by most of them.

I trust in a few days to proceed on my journey, having been delayed a fortnight by ill-health. I have, &c.

*Viscount Palmerston, G.C.B.*

WALTER PLOWDEN.

*No. 41.—Viscount Palmerston to Consul Plowden.*

SIR,

*Foreign Office, April 6, 1849.*

I HAVE received your despatches to that of the 10th of December inclusive.

With reference to your despatch of that date I have to acquaint you that any protection which a British Consul at Massowah could properly, under present circumstances, afford to natives of Abyssinia at that place, must be unofficial. Any attempt to do more would involve Her Majesty's Government in many difficulties and embarrassing discussions.

I am, &amp;c.

*W. Plowden, Esq.*

PALMERSTON.

*No. 42.—Consul Plowden to Viscount Palmerston.—(Rec. April 18.)*

MY LORD,

*Adowa, January 27, 1849.*

I HAVE the honour to inform your Lordship of my arrival in safety thus far, with the presents destined for Ras Ali. Though suffering from a severe illness I have been able to pay a visit to Dejjaj Oobeay, the Chief of Tigré, at his residence in Lemen, 4 days' journey, and having been well received by him, have obtained his promise of protection and convoy through his territories. The Abyssinian Christian merchants have hailed my arrival with joy, and I believe intend, through Ras Ali, to petition for the British protection at Massowah. I leave this, if strong enough, to-morrow, for the interior, and though some difficulties still await me, as no effort shall be spared on my part, I trust soon to send to your Lordship an account of my safe arrival at the camp of the Ras.

I have, &amp;c.

*Viscount Palmerston, G.C.B.*

WALTER PLOWDEN.

*No. 43.—Consul Plowden to Viscount Palmerston.—(Rec. April 18.)*

MY LORD,

*Adowa, January 27, 1849.*

I HAVE to inform your Lordship that since my departure for Massowah the forces of Dejjaj Oobeay have made a descent upon the coast, declaring that the Turkish troops, by occupying the mainland, had trespassed upon the ancient dominions of Abyssinia, and had, by crushing the Naib, prevented that Chief from paying to Dejjaj Oobeay his accustomed tribute. They burnt the town of Moncooloo; my house with the rest; but this, I believe, from what I can learn, was the effect of the malice with which I am regarded by many of the inhabitants of Massowah, partly from fear and partly from fanaticism.

It is probable that succours will be sent from Egypt to the Governor of Massowah, who will use them for further conquests. It would be well, should the occasion be now taken to settle the

question of their rights in this quarter, and if, as is probable, the Chief of Tigré should address a letter to Her Majesty on the subject, I trust that your Lordship will give it prompt consideration. In the meantime, I would beg your Lordship to send an energetic message to Massowah regarding any interception of my correspondence, or threatening and ill-usage of my messengers, as without this the arrival of my letters will be uncertain; and the last messenger I sent reports that he was even threatened with death by the inhabitants.

I have, &c.

Viscount Palmerston, G.C.B.

WALTER PLOWDEN.

No. 44.—*Consul Plowden to Viscount Palmerston.*—(Rec. April 18.)  
(Extract.) Adowa, January 28, 1849.

THE Chief of Tigré demands that the Turks should not quit the Island of Massowah, and that the Naib ruling the coast, as heretofore, should pay tribute to the Abyssinians. The Naib at present has retired to the mountains, refusing to enter Massowah.

I trust that if the Chief of Tigré should claim your Lordship's protection, it will be afforded decisively, by declaring that the English Government do not consider the possession of the Island of Massowah to involve any authority over the coast, and that the Turks or others who have now suffered in consequence of residing on the mainland have no right to claim reparation, except as private individuals. This point carried would lead to the appointment of the Naib by Dejaz Oobeay, and the Naib residing on the coast would soon learn to respect our commerce in any port on the mainland that might be selected.

Viscount Palmerston, G.C.B.

WALTER PLOWDEN.

No. 46.—*Viscount Palmerston to Sir S. Canning.*

SIR,

Foreign Office, April 23, 1849.

I HAVE been informed by Mr. Consul-General Murray that he has transmitted to your Excellency copies of Mr. Consul Plowden's despatches from Adowa, dated the 27th and 28th January, respecting an attack made from Abyssinia on the territories on the mainland, near Massowah.

In one of these despatches Mr. Plowden alludes to a supposed intention on the part of the Abyssinian Christian merchants to petition for British protection at Massowah. Mr. Plowden had already touched upon this point in a previous despatch, of which I inclose a copy for your Excellency's information; and you will perceive by the inclosed copy of my reply to Mr. Plowden, that I consider that a British Consul at Massowah could not without great

inconvenience interfere otherwise than unofficially in favour of these persons.

With regard to the wish expressed by Mr. Plowden in his despatch of the 27th January, that measures should be taken to prevent his correspondence being intercepted at Massowah, your Excellency will apply to the Turkish Government for instructions to their authorities at Massowah to that effect.

I am, &c.

Sir S. Canning.

PALMERSTON.

No. 47.—*Mr. C. A. Murray to Viscount Palmerston.*—(Rec. June 5.)

MY LORD,

Cairo, May 21, 1849.

ON examining the messenger who brought the document herewith inclosed, I have satisfied myself that it really is a missive from the young King of Shoa.

If credit may be given to the statement of the messenger, the young King has, of late, considerably increased his power and influence, and has compelled Ras Ali and others of the neighbouring rival Princes to succumb or retire. On this head it is probable that more certain advices will arrive from Mr. Consul Plowden.

The messenger says that the presents from the young King to Her Majesty have been sent by way of Aden. I believe that the animal called "koba" in the translation is nothing more nor less than the rhinoceros; it seems to be an error of the translator, as the koba is a much smaller animal, and its horns are not considered useful or valuable.

The messenger is about to pursue his pilgrimage to Jerusalem, and I have promised him that on his return he should have a reply to the King's letter, which promise I trust your Lordship will enable me to fulfil.

The letter is in the Amharic language; possibly there may be scholars in London capable of making a better translation than the one herewith inclosed.

I have, &c.

Viscount Palmerston, G.C.B.

CHAS. A. MURRAY.

(Inclosure.)—*The King of Shoa to Her Majesty the Queen.*

(Translation.)

This letter is sent from the King of Shoa, Beshshaheh Ouerid, for the Queen of England.

MADAM,

I PRESENT you all my respects. You well know that my father was your good friend, and I, I am his son.

I am about to reproach you because you did not write to me or

send any one to me at the death of my father, but now I beg you to send me 1,500 dollars, if there are of gold I wish the same amount of gold.

I hope that the mission may be rapidly made by Dr. Krapf, and your officers who are with him, as far as Massowah.

Madam, I hope you will not neglect to write to me for all things you desire to have. I will send them to you with the greatest pleasure as far as Aden.

[NOTE.—Dr. Krapf is a German missionary who was for some time resident in the Kingdom of Shoa, and who is now supposed to be engaged in a Mission to Zanzibar.]

*Private Instructions conveyed by the Messenger.*

I will send as far as to Aden 26 elephants' tusks and 81 kobse' horns.

I also beg that you will send me persons who can make a crown, and make cannons, and paint pictures, and build palaces.

*Translation of the preceding Letter made by the British and Foreign Bible Society.*

*Superscription.—For the Sovereign Lady.\**

MAY this diploma,† sent from Baskāh Ourad, King of Shoa, safely reach the Queen of the country of the Franks;‡ How is your Majesty in health? Now my father was your Majesty's friend, and I am his son reigning since his death. Why is it that your Majesty has not sent to me one young man of your attendants? Now then if there be 1,000 or 500 pieces of silver or gold at hand, put them in charge of the young man Krapf, and let your Majesty send them to me speedily by him, as a friendly gift.§

\* Laterally - "It belongs to," or "it is for," "the Lady." As the word translated Lady, though applied also to inferior rank, is used by subjects of their Sovereign, I have thought "Sovereign Lady" the fairest translation of it here. In the body of the letter, where the word Majesty is introduced, there is no distinct word bearing that sense in the Amharic text, but, as the honorific forms of nouns and verbs are used, it seemed the fairest way of representing the meaning of them to make use of the title that we are accustomed to apply to royalty.

† "Official letter," "despatch."

‡ The word in Amharic here is "Farage," which I cannot doubt to be a mere casual mistake for "Farange," or, as it is sometimes expressed in Roman letters, "Feringe,"—the well-known appellation of the nations of Western Europe in the East.

§ This sentence, in which the main point and substance of the whole letter lies, is unhappily so deficient in grammatical construction and connexion that I am unable to give a literal translation of it. I have set down above what appears to me to be its general purport.

The word which I suppose to be a proper name, "Krapf," is written "Kramf."

Let your Majesty inform me of your wishes. I will send over as far as Aden.

No. 48.—*Consul Plowden to Viscount Palmerston.*—(Rec. June 28.)  
MY LORD, *Debra Tabor, March 3, 1849.*

I INCLOSE a letter to myself from Dejj Oobeay, Chief of Tigré, with a translation annexed, containing a request for some European masons to build him a church. As Dejj Oobeay is a man of his word, I have little doubt that he will treat them well, and with liberality. As he has received me with every respect, and has shown every desire for our friendship, I would recommend that Her Majesty's Government send him the workmen he desires, even should they be guaranteed a certain sum per annum.

The Chief of Tigré has up to this time shown the greatest contempt for all Europeans, and I may say that I have effected in our favour a complete change in his ideas; of this I trust that your Lordship will take present advantage, which can most effectually be done by meeting his wishes. Should your Lordship be of my opinion, I would recommend that one man of creditable attainments as an architect and, if possible, bridge-builder, be sent as chief, with 4 assistants, who should understand stone-cutting and the making of bricks; they should be amply provided with instruments for these purposes and for building; should a carpenter be added for the wood-work, it would be better, with tools for felling trees, &c., a turning-lathe. After their arrival at Massowah I shall arrange for their reception in Abyssinia, even if still with Ras Ali, and if they should be sent, I trust with promptitude.

The request on the part of Dejj Oobeay shows a high confidence in us, and it will be a good commencement that friendly intercourse between the two nations that is desired by Her Majesty's Government.

I have, &c.

*Viscount Palmerston, G.C.B.*

WAITER PLOWDEN.

(Inclosure.)—*Dejj Oobeay to Consul Plowden.*

(Translation.)

Dejj Oobeay, greeting, to Mr. Plowden,

If you can find 5 or 3 workmen if possible at Massowah, if not

and there is an erasure in it as though it had been at first intended to spell it differently. This is easily accounted for, if Krapf is the name intended, there being no "p," properly speaking, in the Amharic alphabet, though a substitute is used for it by the learned. Mr. Krapf was a missionary in Abyssinia, who, from his knowledge of the language, was very useful to Captain Harris during his residence there.

The observations that I have made about irregularity of construction and consequent obscurity and uncertainty of the sense, apply also to the clause, "and I am perished, reigning since the death."



by sending to your country, builders or masons, bring them for me; if they wish for lands or appointments I will give them plenty; if they wish for wages I will give them wages and take care of them.

*W. Plowden, Esq.*

*No. 49.—Consul Plowden to Viscount Palmerston.—(Rec. June 28.)*  
 MY LORD, *Debra Tabor, March 3, 1849.*

WITH reference to my despatches of the 27th and 28th January last I have now the honour to inclose a letter from Dejjaj Oobeay, with a translation annexed, requesting the assistance and interference of Her Majesty in regard to his claims upon the coast of the Red Sea, and the late descent of his forces in the direction of Massowah. I trust that your Lordship will take immediate occasion of this opportunity for deciding the question between the Abyssinians and the Governor of Massowah, in favour of the former, which will put us at liberty to choose a favourable harbour for our commerce and intercourse with Abyssinia. Should your Lordship so arrange this affair as that the Turkish Government should lay no claim to anything beyond the Island of Massowah, the rest may be safely left to me, and I trust that your Lordship will assist me thus far and promptly, as it may be long before so favourable an opportunity presents itself, or any European obtain the influence I now possess in these countries.

I have, &c.

*Viscount Palmerston, G.C.B.*

WALTER PLOWDEN.

(*Inclosure.*)—*Dejjaj Oobeay to Her Majesty the Queen.*  
 (Translation.)

DEJJAJ OOBAY, greeting, to Her Majesty Victoria, Queen of the English:—

Formerly my ancestors were in possession of, and governed all the coast of the Red Sea and Massowah; recently when we quarrelled amongst ourselves, the Turks took possession of Massowah. After this, two years back, they also sent troops to the mainland, and occupied Moncooloo and Arkeeko. The Naib of Arkeeko being thus prevented from paying me my usual tribute, I this year sent down my forces and drove the Turks back into the Island of Massowah. You are a Christian Queen, and the friend of Christians; you are powerful, and I now request your assistance and friendship, that you will not permit the Mahomedan forces to ravage and occupy my territories, but will insist on their remaining content with the possession of the Island of Massowah (though that even they have no right to), without setting foot on the mainland, or interfering with the Naib that I appoint at Arkeeko and the coast. My soldiers, by mistake and from ignorance, burnt the house of

your Consul at Moncooloo, for which I was sorry. I wish much for the friendship of the English, and trust that you will now show the sincerity of your good-will towards Abyssinia.

*No. 50.—Consul Plowden to Viscount Palmerston.—(Rec. June 28.)*

MY LORD,

*Debra Tabor, March 3, 1849.*

I HAVE the honour to inform your Lordship of my safe arrival at this place, the residence of Ras Ali, on the 27th February.

The next day I presented the gifts of Her Majesty to the Ras, with the accompanying letter, everything has arrived in good order.

The Ras was much delighted with the present, and expressed his intention to do everything in his power to retain the friendship of myself and of the English nation. I hinted but lightly at a Treaty and its advantages, as I rather wish the proposal to come in part from himself. To all he replied that he would talk matters over with me at leisure, with continued assurances of friendship and good-will. I doubt not that I shall induce him to sign the Treaty, though I am not so sure of obtaining his consent to the signature of the Emperor, with whom he is now at variance.

I have, &c.

*Viscount Palmerston, G.C.B.*

WALTER PLOWDEN.

*No. 52.—Viscount Palmerston to Consul Plowden.*

SIR,

*Foreign Office, July 3, 1849.*

I HAVE received your despatches to that of the 5th of March inclusive.

With reference to the request from Dejjaj Oobeay, contained in his letter to the Queen inclosed in your despatch of the 3rd of March, that the British Government would support his claims on certain portions of the coast of the Red Sea, I have to state to you that this is a matter with which it would not be advisable for Her Majesty's Government at present to meddle.

I have accordingly addressed the inclosed letter to Dejjaj Oobeay in reply to his letter to the Queen, and I have to instruct you to forward it to that Chief, with a translation made from the copy of it herewith transmitted to you.

I am, &c.

*W. Plowden, Esq.*

PALMERSTON.

*(Inclosure.)—Viscount Palmerston to Dejjaj Oobeay.*

*Foreign Office, July 3, 1849.*

I AM commanded by the Queen to acquaint you that Her Majesty has received your letter, in which you request her assistance in support of your claims to the possession of certain districts on the coast of the Red Sea near Massowah, which you

state to have been occupied and ravaged by the Turkish forces. The Queen commands me to assure you that she would gladly do anything which might be agreeable to you in this respect if the circumstances of the case admitted of her supporting your claims. But the Sultan of Turkey is also a friend of the Queen, and it is inconsistent with the principles which regulate Her Majesty's conduct towards other Powers to pronounce an opinion on any point on which her friends are at issue without being previously applied to by both the dissentient parties. The Queen accepts the expression of your regret for the damage occasioned to the property of her servant at Moncooloo by the conduct of your soldiers, and she desires me to assure you that she takes a lively interest in your welfare, and that she will always rejoice to hear through her servant Plowden that you are in the enjoyment of good health and worldly prosperity.

I subscribe, &c.

PALMERSTON.

*No. 53.—Viscount Palmerston to Sir S. Canning.*

SIR,

*Foreign Office, July 3, 1849.*

YOUR Excellency will have seen in Mr. Consul Plowden's despatches of the 27th and 28th January of this year, of which copies were forwarded to you by Mr. Murray, that the Abyssinians under Dejaz Oobeay had made a descent on the coast of the Red Sea, opposite to the Island of Massowah, with the view of expelling the Turks from the places which they occupied in that quarter.

I received, a few days ago, from Mr. Plowden, a further despatch on this subject, inclosing a letter from Dejaz Oobeay to the Queen requesting Her Majesty's assistance in support of his claims to the district in question. I inclose, for your Excellency's information, copies of those papers, and of a letter which I have addressed to Dejaz Oobeay; and I have to instruct your Excellency to endeavour to ascertain on what grounds the respective claims of the Porte and of the Abyssinians to the district in question are supposed to rest.

I am, &c.

*Sir S. Canning.*

PALMERSTON.

*No. 55.—Viscount Palmerston to the King of Shoa.*

*Foreign Office, July 4, 1849.*

I AM commanded by the Queen to acquaint you that Her Majesty has received the friendly letter which your agent delivered to the Consul-General Murray for transmission to England. The Queen thanks you for your inquiries after her health, and she hopes that you also are in good health, and that you will long continue to rule over the country which you have inherited from your

late father. The Queen thanks you for the elephants' tusks and kobas' horns which your agent states that you have sent to Aden for Her Majesty, and she commands me in return to send you, in the gold coin of her country, the sum of money which you desire to receive.

With respect to your wish for the assistance of some men skilled in the arts, Her Majesty commands me to explain to you that the distance between England and your country is great, and the journey occupies much time; and, moreover, the workmen in her dominions are at present much employed: but if any should be at liberty at any future time and willing to go to Shoa, the Queen would be very glad that any of her subjects should be useful to you in any of the things which you mention.

With every wish for your personal welfare, I subscribe myself your sincere friend,

PALMERSTON.

*No. 58.—Sir S. Canning to Viscount Palmerston.—(Rec. July 5.)*  
 MY LORD, *Constantinople, June 19, 1849.*

I HAVE the honour to inclose herewith in translation a Vizirial letter, the original of which I have obtained and transmitted to Mr. Murray for the protection of Mr. Plowden's correspondence on its passage through the port of Massowah. I have endeavoured to provide for contingencies by getting it expressed in comprehensive terms, and applied to Souakin as well as to Massowah.

I have, &c.

*Viscount Palmerston, G.C.B.*

STRATFORD CANNING.

*(Inclosure.)—Vizirial Letter addressed to Hassib Pasha.*  
 (Traduction.) *19 Regib, 1265 (10 Juin, 1849).*

L'AMBASSADE Britannique a demandé par un Tacrir que les autorités de la Sublime Porte dans les échelles de Massowah et de Souakin facilitent le transport de lettres et d'autres objets que les Agents du Gouvernement d'Angleterre qui se trouvent dans l'intérieur de l'Afrique expédient par voie des échelles sus-mentionnées.

Donner une assistance complète dans des opérations de cette nature est une suite nécessaire des relations amicales qui existent heureusement entre la Sublime Porte et la Cour de la Grande Bretagne, et des Traités conclus entre les deux Gouvernements. Ainsi votre Excellence voudra bien donner des ordres rigoureux aux autorités des échelles susdites d'avoir à faciliter l'expédition des lettres et d'autres choses arrivées là; et à mettre tous leurs soins à donner dans ces occasions toutes espèces de protection et d'assis-

tance. Et c'est à ces fins que j'écris la présente lettre à votre Excellence.

MUSTAPHA BESCHID.

*No. 62.—Viscount Palmerston to Consul Plowden.*

SIR,

*Foreign Office, July 23, 1849.*

I COMMUNICATED to the Commissioners of Woods and Works your despatch of the 3rd of March, respecting the wish of Ras Oobeay that some workmen should be sent to him from England, and I inclose, for your information, an extract of a letter which has been received from that office in reply.

Considering the difficulties and the expenses which would attend a compliance with Ras Oobeay's request, it is desirable that you should divert his thoughts from the notion of obtaining the assistance of English workmen; but, if you cannot do so, you must send me some more precise and specific information as to the purpose for which these persons would be wanted, and as to the length of time during which they would be required to remain in Abyssinia.

It is possible that the assistance desired by Ras Oobeay might be obtained from India more easily than from England, and natives of that country would doubtless be quite competent to perform any services which the Ras might require of them.

I am, &c.

*W. Plowden, Esq.*

PALMERSTON.

*No. 64.—Sir J Hobhouse to Viscount Palmerston.—(Rec. July 31.)*

MY LORD,

*India Board, July 31, 1849.*

I HAVE the honour to transmit, for your information, an extract relating to Abyssinia of a letter dated the 7th ultimo, addressed by Lieutenant George Adams of the Indian Navy to the East India Company's "Political Agent at Aden."

I have, &c.

*Viscount Palmerston, G.C.B.*

JOHN HOBHOUSE

*(Inclosure.)—Lieut. Adams, I N., to the Political Agent at Aden.*  
(Extract.)

*June 7, 1849*

ABYSSINIA has been getting on quietly and well. Since the raid of Oobeay, nothing has occurred; however, a few days since, news came to Massowah that Carthsei, a dependent of Ras Ali, had refused to appear when called on by him to do so, and it was thought that disturbances would shortly break out in consequence, more especially as Oobeay is on good terms with Ras Ali, and is said to be inciting him to fall upon Carthsei and seize his territories. Near Gondar, gold has been found in great quantities.

Massowah and Souakin are to be given over to the Sultan: Salim Effendi has arrived at Massowah, and the place is to be under his hands. The Sultan's troops have not yet arrived, but are expected some time this month, when Kaled Beg, the present Governor, goes to Cairo, and the Egyptian troops proceed to Abbas Pasha's district in Nubia.

A deputation of Indian merchants waited on me: they said they were well-treated, and that the duty charged on imports and exports was quite correct. I had previously waited on the Governor and Salem Effendi, requesting them to protect and see respect shown to them, and which they said should be done.

M. de Goutier was to leave for Cairo on the 6th June, he having been relieved by M. Rolange, who has been sent out by the French Government; the latter speaks a little English, but has no knowledge of Turkish or Arabic. M. le Ferre, who has been travelling for some years, has been recalled to France. The master of the French brig *Grenouille* has remained at Massowah for mercantile purposes.

The former French Consul and Mr. Stephen have made the town of Goob Ducnoo; they have discovered a number of hot springs at the lower end of the inlet, temperature of some,  $142^{\circ}$ , of others,  $160^{\circ}$ ; also a small river, some temples (pillars of black granite), and the ruins of a large fortification. At Dissec. on the eastern side, silver ore was found.

*The Political Agent at Aden.*

G. ADAMS.

No. 71.—Consul Plowden to Viscount Palmerston.—(Rec. May 8.)  
MY LORD, Massowah, April 2, 1850.

I HAVE the honour to send the Treaty between Great Britain and Abyssinia, signed by his Highness Ras Ali. The seal of the Emperor at Gondar is affixed thereto, also by order of the Ras.

His remark on hearing the Treaty read was, that the proposals were excellent, but that probably in 10 years one English merchant might trade to Gondar. It must be equally obvious to your Lordship that the Abyssinian nation being powerless on the coast, unless we in some striking way carry out that Article of the Treaty by which we are engaged to exert ourselves in opening a road and facilitating a mutual commerce, this Treaty will be as useless as the one effected with the late King of Shoa has hitherto been.

Her Majesty the Queen, in ratifying this Treaty, will acknowledge the Ras as an independent and friendly sovereign; and it does not appear inconsistent that we should enforce those Articles in our Treaties with Turkey that relate to trade with independent nations through a port in the Sultan's dominions.

It would be well that a ratification of this Treaty be sent to the Ras, to impress him with the reality of the transaction.

I have, &c.

Viscount Palmerston, G.C.B.

WALTER PLOWDEN.

(Inclosure)—*Treaty of Friendship and Commerce between Great Britain and Abyssinia.* [See Vol. XXXVII. Page 4.]

No. 72.—*Consul Plowden to Viscount Palmerston.*—(Rec. May 3.)  
MY LORD, *Massowah, April 2, 1850.*

I HAVE received your Lordship's despatch of the 3rd July, 1849, with the accompanying letter from Her Majesty to Dejj Oobeay, on the subject of his claims to some part of the coast.

I have the honour to inform you that I presented in person Her Majesty's letter, with a translation in Amharic, to that Chief. He is able, inflexibly severe, but sufficiently just, and his remarks are characteristic. "This letter from Queen Victoria is polite, but the substance in three words is, We won't assist you; you say that you are friendly to us and to our religion; I do not see it yet. You say that you are more powerful than the Mahometan; you do not prove it. It is now many years since I have been in correspondence with several European nations on the faith of promises of assistance in two points that I much wish to gain—one the protection of my merchants, the other the suppression of the Slave Trade at Massowah, in concert with Ras Ali and the Franks on the coast. With pleasure should I see Massowah in the hands of the Christians. I have the power perhaps to take it, but could not keep it against ships and cannon. We shall see with time if you English are like all the rest."

His reception of myself was polite, but as it is impossible to make him understand the political reasons that bind us to Turkey, it is natural that he should find it strange that we should trouble ourselves to send assurances of friendship, and yet omit to occupy some point that would place us in intimate connection with our allies in religious faith.

I have, &c.

Viscount Palmerston, G.C.B.

WALTER PLOWDEN.

No. 73.—*Consul Plowden to Viscount Palmerston.*—(Rec. May 3.)  
MY LORD, *Massowah, April 2, 1850.*

I HAVE had the honour to receive your despatch of the 23rd July, 1849, with extract of a letter from Her Majesty's Commissioners of Woods and Forests.

Dejj Oobeay appeared somewhat vexed at the non-arrival of the



workmen he had applied for, and pointed out the number of Europeans, Armenians, Greeks, &c., who had resided securely for years in his dominions, as the best guarantee that he could give, trusting also that something might yet be done for him.

Should your Lordship's views lead to a closer intimacy with Abyssinia, it would be worth while to procure two or three workmen of the description I have pointed out from India at a less expense than that mentioned in your Lordship's despatch, as they would probably possess skill sufficient for Oobeay's present purposes. An interpreter I shall be able to procure here at a trifling cost.

In any case, however, it will not be difficult to temporize with Dejjaj Oobeay till such time as something decisive be done regarding our Abyssinian connection. I have, &c.

*Viscount Palmerston, G.C.B.*

WALTER PLOWDEN.

*No. 76.—Consul Plowden to Viscount Palmerston.—(Rec. May 8.)*  
(Extract.) *Massowah, April 4, 1850.*

HAVING signed a Treaty of Commerce and Amity with Ras Ali, and striven to effect a general impression in favour of England in Abyssinia, it remains to be seen what may result from these proceedings.

Massowah, from its proximity to the more civilized nations, is the most favourable point on this coast for the establishment of trade.

The hopes of the merchants of Abyssinia are turned on England for the protection of their persons and the enlargement of their commerce; the Ras has engaged to protect Englishmen of all classes that travel in his dominions; Dejjaj Oobeay has expressed his readiness to do the same. Their subjects visit not Europe, and we can only make them a return in two ways: one, to place their merchants under the protection of the English flag at Massowah, and to regulate within just bounds the duties levied by the Turkish authorities; the other, to empower the British Consul to rescue from slavery the Christian subjects of our ally, stolen and brought to this market, ordering that all facility shall be given to their identification.

These points being established, whatever might be the changes of power in the interior, our influence there would be stable; the merchant, safe and encouraged, would bring a greater amount of produce into the market than at present, and the British adventurer find in mutual interest his surest guarantee.

I await your Lordship's reply, and if it is decided that my flag be hoisted at Massowah, an exequatur should be promptly taken out, that I may enter formally upon my duties there, while still

able to pay visits to the native Chiefs from time to time as may be desirable.

*Viscount Palmerston, G.C.B.*

WALTER PLOWDEN.

*No. 77.—Mr C. A. Murray to Viscount Palmerston.\*—(Rec. May 3.)*

MY LORD,

*Cairo, April 15, 1850.*

I HAVE the honour to transmit herewith to your Lordship copy of a letter lately addressed to me by M. de Goutin, who was for many years French Consul at Massowah.

Although I conceive that the title which the original French purchasers have to offer could have little practical efficacy in conveying the province referred to securely to any individual purchaser, it might possibly be available in the hands of a Government possessed of the means of maintaining its right of possession; and, considering the extreme rarity of fresh water and harbourage on all the coasts of the Red Sea, I have thought it my duty to submit the proposal to Her Majesty's Government before giving any reply to M. de Goutin.

The province in question lies in latitude 14° north and longitude 41° 40' east, and the most minute particulars concerning the harbour of Edd and the adjacent coast could be afforded to Her Majesty's Government by Captain Moresby, now commanding one of the Peninsular and Oriental steamers plying between Southampton and Alexandria.

I have, &c.

*Viscount Palmerston, G.C.B.*

CH. A. MURRAY.

*(Inclosure.)—M. de Goutin to Mr C. A. Murray*

M. LE CONSUL-GENERAL,

*Caire, le 6 Avril, 1850.*

UNE Société Française a acheté dans le mois d'Août 1846 une province située sur la côte d'Abyssinie, dont la capitale est Eid, bordant la Mer Rouge, environ par les 14 degrés de latitude; elle a pour limites d'une part le Cap Cordonéat, et à 90 milles de longueur toutes les petites îles voisines en dépendent.

Le contrat a été passé avec le propriétaire légitime, qui en est Roi, indépendant de Puissances Musulmanes, comme de celles de l'Abyssinie Chrétienne, et le prix a été payé comptant, à l'exception d'une faible somme qui doit être donnée le jour de la prise de possession.

Depuis l'époque de l'acquisition de Eid cette affaire a été négligée; me trouvant aujourd'hui aux lieux et place des acquéreurs, je vous prie, M. le Consul-Général, de me faire connaître s'il serait de convenance du Gouvernement de Sa Majesté Britannique de faire l'acquisition de cette province; je pourrais me rendre à

\* No notice was taken by Her Majesty's Government of this proposal. See page 810.

Londres pour traiter directement, ou de toute autre manière que vous voudrez bien m'indiquer.

La Province de Eid est un des plus beaux sites de la côte d'Abyssinie ; il y a un bon port ; on a trouvé, en toute saison, près de la mer, de l'eau douce en abondance ; et il y a des communications directes avec le pays Chrétien de l'intérieur.

Veuillez, &c.

Hon. Ch. A. Murray.

A. DE GOUTIN.

No. 78.—*Consul Plowden to Viscount Palmerston.*—(Rec. May 20.)

MY LORD,

*Lamgee, January 2, 1850.*

HAVING accompanied the Ras on a distant campaign, and the rainy season, with roads infested by the enemy, having since interrupted all safe communication, I trust my silence will be sufficiently explained. Being now in comparative security on the borders of the Lake Tsana, *en route* for Tigré, I write to inform your Lordship that the Ras has signed the Treaty proposed by Her Majesty.

The signature of the Emperor it was impossible to obtain in concert with that of the Ras ; and as the latter becomes daily more powerful, and the former more irretrievably insignificant, I judged it better not to risk alarming the jealousy of the Ras. I shall not risk the despatch of the Treaty, signed on the 2nd of November, 1849, until my arrival at Massowah, when I shall also offer some remarks with reference to it. I have parted on the most friendly terms with his Highness the Ras.

I have, &c.

*Viscount Palmerston, G.C.B.*

WALTER PLOWDEN.

No. 79.—*Consul Plowden to Viscount Palmerston.*—(Rec. May 20.)

MY LORD,

*Lamgee, January 2, 1850.*

On the 5th December, 1849, being *en route* from Godjam to Tigré, I had the honour to receive your despatch of the 6th April, 1849. Perhaps the signature of the Treaty by Ras Ali may modify your Lordship's views on the subject of protecting Abyssinian merchants and trade.

Further remarks on this subject I shall offer when I have received your Lordship's reply to my letters of January and March, 1849 ; in the meantime I shall decline receiving the supplication that the merchants of Abyssinia wished me to forward to Her Majesty, and shall scrupulously avoid all steps that might involve Her Majesty's Government in discussion.

I have, &c.

*Viscount Palmerston, G.C.B.*

WALTER PLOWDEN.

*No. 80.—Consul Plowden to Viscount Palmerston.—(Rec. May 20.)*

MY LORD,

*Lamgee, January 2, 1850*

I ENCLOSE a letter from the Ras to Her Majesty, declaring his acceptance of the proposed Treaty, and desire for our continued friendship, stating also that he forwards some presents to Her gracious Majesty.

I send this despatch at once, that I may receive from your Lordship early instructions regarding the disposal of these presents, which I could not avoid receiving without offending; also an answer to his Highness.

I have, &c.

*Viscount Palmerston, G.C.B.*

WALTER PLOWDEN.

*(Inclosure.)—Ras Ali to Her Majesty Queen Victoria.*

*(Translation.)*

Ras ALI, King of Abyssinia, to Queen Victoria, Queen of the English, greeting:—

I have received with pleasure the present conveyed to me by Consul Plowden, and have sealed the Treaty he showed me, that our friendship may not dissolve.

I am poor when I see your wealth, and can only send such small matters as are found in our country. I send now—

Two shields and one lance, two shotels (Abyssinian sabres), two betoas (silver armlets), two kalichas (silver coronets), two horse saddles, two mule saddles (with ornaments and accoutrements), 4 fine cloths (cotton fabric), 4 elephants' teeth, two long-haired sheep-skins.

In my poverty, with constant war and many soldiers, dollars wherewith to pay them would be the best proof of your friendship, with the protection of my merchants at Massowah.

Of other things, the glass-cloth and scarlet-cloth you sent me, with guns and rifles of two-ounce ball, and long octagon barrel, please me best. All English who come to my country will be received as friends, as far as my power extends.

ALI, *King of Abyssinia*

*No. 81.—Consul Plowden to Viscount Palmerston.—(Rec. May 20.)*

MY LORD,

*Lamgee, January 3, 1850.*

I HAVE not judged it expedient to visit Shoa at present, as it is important that our relations with Ras Ali and Deja Oobeay should be clearly understood, and the position of my Consulate more defined with reference to the conflicting claims on the coast.

Also after the somewhat free expenditure of Major Harris, to proceed there entirely empty-handed would be impolitic.

I learn that the young King, son of Sahela Selassi, is of a just and generous disposition, but entertains a jealousy of the English,

from the fear that they wish to deprive him of his territories, and the conviction that they have the power to do so. The former part of this idea is sufficiently common here also to have caused me some difficulty.

I have, &c.

Viscount Palmerston, G.C.B.

WALTER PLOWDEN.

No. 82.—Consul Plowden to Viscount Palmerston.—(Rec. May 20.)

MR LORD,

Lamree, January 4, 1850.

THE Government of Massowah having reverted to the Pashalic of Djeddah, which has no official notice of my existence or appointment, it would be advisable that a letter from the Ottoman Porte be obtained, similar to that formerly written by Mohammed Ali, viz., to the Governor of Massowah, to regard me as an officer of Her Britannic Majesty, to offer no obstacle to myself in passing to and fro, or my property that may have to pass the Custom-House of Massowah, and the inspection of which may cause inconvenience, or lower the consideration of the inhabitants for me.

I mention this, as I hear that for some months past cases for me are detained at Massowah, the Turkish Governor having insisted on their being opened, and my agent properly refusing.

I have, &c.

Viscount Palmerston, G.C.B.

WALTER PLOWDEN.

No. 85.—Viscount Palmerston to Consul Plowden.

SIR,

Foreign Office, June 7, 1850.

YOU state in your despatch of the 3rd of January that the King of Shoa is supposed to entertain apprehensions in regard to the possible designs of the British Government. You will, of course, take every opportunity of reassuring that Chief on this point, and of endeavouring to satisfy his mind, and also the minds of any other persons who may be under the influence of similar apprehensions, that the British Government entertain no aggressive intentions whatever with respect to any portion of Abyssinia.

I am, &c.

W. Plowden, Esq.

PALMERSTON.

No. 86.—Viscount Palmerston to Sir S. Canning.

SIR,

Foreign Office, June 7, 1850.

I HAVE to inform your Excellency that Mr. Consul Plowden has concluded with the Ras of Abyssinia the Treaty which, in my despatch of the 13th of January, 1848, I acquainted Lord Cowley that Mr. Plowden was instructed to negotiate. I transmit to you herewith a copy of that Treaty, which will forthwith be ratified by Her Majesty.

I furnish your Excellency at the same time, with copies of several

despatches which I have received from Mr. Plowden, and I should wish to have any observations which may occur to you on the points alluded to therein.

I have not yet received any report from your Excellency in reply to my despatch of the 3rd of July, 1849, respecting the claims of the Porte and of the Abyssinian rulers to the districts on the mainland in the neighbourhood of Massowah. Mr. Plowden appears to be anxious that he should be allowed to exercise authority at Massowah. But in that case it would be requisite that he should have a Consular commission for that port, on which a Berat from the Turkish Government enabling him to act could be obtained.

In regard to Mr. Plowden's complaint on the subject of the interference of the Turkish authorities at Massowah with his correspondence and effects, I have to instruct your Excellency to call the attention of the Porte to the little deference which has been paid by those authorities to the Vizirial letter in favour of Mr. Plowden which it appears, from your despatch of the 19th of June last, the Porte at your Excellency's instigation consented to issue; and your Excellency will request not only that satisfaction may be given for the wrong done to Mr. Plowden in this respect, but that more stringent orders may be issued by the Porte to secure him from similar molestation hereafter.

I am, &c.

*Sir S. Canning.*

PALMERSTON.

*No. 89.—Viscount Palmerston to Consul Plowden.*

SIR,

*Foreign Office, June 15, 1850.*

I HAVE received and laid before the Queen your despatch of the 2nd of April last, inclosing a Treaty of Friendship and Commerce which, in pursuance of the instructions of Her Majesty's Government, you had concluded with the Ras of Abyssinia, on the 2nd of November, 1849; and I have much satisfaction in conveying to you the approval of Her Majesty's Government of your conduct in the negotiation and conclusion of that Treaty.

I transmit to you the Queen's ratification of the Treaty under the royal sign manual and signet. You will take the earliest suitable opportunity of delivering this instrument to the Ras in due form, accompanied by expressions of Her Majesty's sincere desires for His Highness's health and happiness and for the prosperity of the countries under his rule.

You will obtain from His Highness, and transmit to me, a certificate according to the inclosed form, of his having received the Queen's ratification.

I am, &c.

*W. Plowden, Esq.*

PALMERSTON.

*No. 90.—Consul Plowden to Viscount Palmerston.—(Rec. June 20.)*

MY LORD,

*Massowah, April 14, 1850.*

SINCE my last despatch I have to inform your Lordship that the conduct of the Turkish authorities here renders my stay injudicious, if not impossible.

Finding it too difficult to protect myself from the insults daily and studiously offered to me, to think that I can at present protect others, workmen of all classes having been prohibited under penalties from entering my employment, refused permission to rebuild the hut that the Abyssinian troops are said to have burnt, and thus obliged to live in tents, on ground purchased, planted, and inclosed by me two years since; the present of ivory from Ras Ali to Her Majesty the Queen having been seized and locked in the Custom-House, with denial to me even of permission to see and recognize it; and answers to my letters being positively refused, I shall await your Lordship's replies to my late despatches in Tigré.

This conduct, so strange when the Sultan of Turkey has so lately experienced the benefit of our friendly alliance, is, your Lordship will readily perceive, aimed at my connection with the Abyssinian Chiefs; adopted to persuade them that the English nation is no longer of any weight; and virtually declares that, if possible, the English Government shall not appoint any officers in that country.

I beg further to mention, that whatever firmans may be procured from Constantinople are in themselves useless at this distance, and the Governors here may be changed frequently during the period of reference. I therefore trust, whatever orders are given, that the Political Agent at Aden will receive instructions to enforce their strict execution, both at the time of receipt and thereafter.

The insults I have received having been sufficiently public, unless a public reparation, such as the inhabitants of Massowah can understand, be made by the authorities here, there is little chance of Europeans finding their future residence here agreeable, and the Abyssinians will be convinced that our forbearance arises from our weakness.

I have, &c.

*Viscount Palmerston, G.C.B.*

WALTER PLOWDEN.

*No. 91.—Consul Plowden to Viscount Palmerston.—(Rec. June 20.)*

MY LORD,

*Massowah, May 12, 1850.*

I MENTIONED in my despatch of the 2nd April that I had had an interview with Dejjaj Oobeay, and the disappointment of that Chief at the contents of Her Majesty's letter.

Dejjaj Oobeay at that interview also requested me to procure him a carriage for a dismounted 8-pounder in his possession, originally from England. This I did not hesitate to promise, as I con-



sidered it necessary at that moment to retain his goodwill, and accordingly I obtained one at my expense, and landed it at Massowah.

The Pasha refused to allow it a passage into Abyssinia, and it remains at the Custom-House, to the detriment in some measure of my influence in Tigré.

By what right this officer interferes with my transactions in Abyssinia I know not, except it be the idea that he is ruler of that country on the strength of his possession of Massowah.

As long as this access to Abyssinia is monopolized by the Turks, it is evident that all checks that may be and are thrown in the way of my efforts to communicate with that country must be forbidden, or else that your Lordship should take some other steps for throwing open the commerce of this portion of Africa to our colonies, it being probable that no efforts can at present surmount the injurious effects produced on trade by such a system as exists at this port.

I have, &c.

Viscount Palmerston, G.C.B.

WALTER PLOWDEN.

*No. 94.—Viscount Palmerston to Consul Plowden.*

SIR,

*Foreign Office, October 1, 1850.*

WITH reference to the question of sending artizans to Abyssinia referred to in your despatches of March 3, 1849, and of April 2 of this year, I have to state to you that Her Majesty's Government think it best to let that matter drop; and if the Ras should again refer to his wishes in this respect you will say that there is much difficulty in bringing such persons from distant countries to Abyssinia.

I am, &c.

W. Plowden, Esq.

PALMERSTON

*No. 102 — Viscount Palmerston to Consul Plowden.*

SIR,

*Foreign Office, January 20, 1851*

I HAVE received your despatches of the 28th of October, and I have to state to you, in reply to the former of them, that I know nothing of the French company which you mention as being established at Amphylla; and there is no foundation whatever for the statement that they are in any way under the protection of the English Government.

Some months ago, a M. de Goutin, formerly French Consul at Massowah, wrote to Her Majesty's Agent and Consul-General in Egypt, offering to make over to the British Government a district named Edd, situated a little to the south of Amphylla, which he stated had been purchased by a French company from the native

ruler in the year 1840; but Her Majesty's Government did not think it necessary to take any notice of this proposal.

I have, &c.

*W. Plowden, Esq.*

PALMERSTON.

*No. 108.—Consul Plowden to Viscount Palmerston.—(Rec. May 19.)*  
 MY LORD, *Massowah, March 16, 1851.*

THAT it may not be supposed that I have in any way given occasion to the Governor of Massowah for his hostility, I beg to state:—

1st. That the house he has obstructed me in building, is one room, erected at my expense (the landlord being poor), on ground rented by me at Massowah, but which contains no habitable residence.

2ndly. That I have never taken advantage of your Lordship's permission to trade, seeing that it might weaken my influence both in Massowah and Abyssinia, and might afford a pretext to the Governor for some of his acts, and that I could not carry out so efficiently the orders of Her Majesty's Government.

3rdly. That I have imported no fire-arms into Abyssinia, excepting those sent as presents by your Lordship and some few for my own use.

4thly. My house on the mainland is a garden for raising vegetables, and a few sheds for the reception of my mules and servants when I arrive from the interior.

I think this will convince your Lordship that I have been careful to avoid giving any pretext for the conduct of the Governor.

I have, &c.

*Viscount Palmerston, G.C.B.*

WALTER PLOWDEN.

*No. 115.—Viscount Palmerston to Sir S. Canning.*

SIR,

*Foreign Office, May 27, 1851.*

I TRANSMIT to your Excellency copies of 3 despatches from Her Majesty's Consul in Abyssinia, and, with reference to that of the 18th of March, I have to instruct you to state to the Turkish Government that if the Governor of Massowah gives Her Majesty's Government any further cause of complaint in regard to his conduct towards Mr. Plowden, a British ship-of-war will be sent to Massowah, the Commander of which will be instructed to adopt such measures as may be necessary to protect Mr. Plowden in the full enjoyment of those liberties and privileges which of right belong to him, and to obtain redress and satisfaction for all past grievances.

I am, &c.

*Sir S. Canning.*

PALMERSTON.

No. 116.—*Consul Plowden to Viscount Palmerston.*—(Rec. Aug. 27.)

MY LORD,

*Massowah, May 18, 1851.*

HAVING visited Dejaz Oobeay, the Governor of Tigré, that Chief evinced much reluctance in permitting me to pass through his dominions on my visit to Ras Ali, and even made me large offers to induce me to remain. I succeeded, with much difficulty, in obtaining his permission to proceed, and in parting with him on friendly terms.

It is my opinion that he intends shortly to rebel against the Ras, and as he has just vanquished the last enemy that troubled himself, and is in large force, the result of the contest will be doubtful.

I mention this now as, should a war break out whilst I am with the Ras, all correspondence will be impossible, the only road to the sea being through the passes in Dejaz Oobeay's territories

I have, &c.

*Viscount Palmerston, G.C.B.*

WALTER PLOWDEN.

No. 119.—*Mr. Herries to the Earl of Malmesbury.*—(Rec. April 22.)

MY LORD,

*India Board, April 21, 1852.*

WITH reference to the letter which Viscount Palmerston addressed to the President of the Board of Commissioners for the Affairs of India on the 25th November, 1850, I have the honour to transmit, for your Lordship's information, a copy of a despatch, dated the 22nd ultimo, from the East India Company's Political Agent at Aden to the Secretary of the Bombay Government, together with a copy of a letter from the King of Shoa to the Political Agent, written in November last, returning the box of 300 sovereigns which, by Lord Palmerston's desire, had been delivered to the King of Shoa.

I have, &c.

*The Earl of Malmesbury.*

J. C. HERRIES.

(Inclosure 1.)—*Captain Haines to the Secy. to Government, Bombay.*

SIR,

*Aden, March 22, 1852.*

I HAVE the honour to report that on the 20th instant I was surprised by the messenger of the King of Shoa returning to me the box containing 300 sovereigns (two of which only were injured, one cut in half, the other had been put in fire and fled), with a letter, the substance of which, translated, is annexed for the information of Government.

The messenger claimed from me 100 German crowns, as the King of Shoa declined remunerating him: this I declined, stating that he was sent by the King, and had not been employed by me. I thanked him for the box, and gave him a receipt, at the same time expressed my astonishment and regret at the ignorance of the people of Shoa. He stated that the King was exceedingly angry

when it was found that merely a small box was sent him. "Why," exclaimed he, "the Commander Harris brought my father presents that required 150 camels to carry them, while to me they send a box of brass coins; why should the son be differently treated from the father?"

The messenger then asked for powder, shot, and guns, to which I informed him I could only obey orders, and I must now wait for further orders. He left Aden immediately, leaving the sovereigns in my possession.

May I request the orders of Government on the subject? I will communicate the above to the Honourable Charles Murray, C.B., Consul-General in Egypt, from whom I received the sovereigns for transmission to the King of Shoa. I have, &c.

*The Secretary to Government, Bombay.*

S. B. HAINES.

(*Inclosure 2.*)—*The King of Shoa to the Political Agent at Aden.*  
Praise be to God.

MAY the refreshing coolness of the north wind, and all health in sickness, attend Commander Haines Sahib, the beneficent, the most beneficent the leader of all learned doctors; the peace of God on him. Amen.

I beg to state you informed me you sent by the hands of Hadji Ibrahim what you had sent, and it was gold as I had asked you. It reached me, and I took hold of it and found it not to be gold. I tried it in the fire, I cut one in two, but could not make it out gold. It became brass. I told you to send red gold that would not turn to brass. I send this back to you by the hands of Hadji Shehem.

The friend of the father is the friend of the son; our affection for each other has been of profit, and when will it benefit you to break it off? I put between us Hadji Ibrahim Shehem, as agent. Even if our friendship is yours, let there not be enmity between us. Salam!

Written on Sunday, the month of Suffur (November, 1851).

(Seal. DEDJASMAJ JELEEL BIN SALEH SELASSE.)

*No. 126.—Consul Plowden to Earl Granville.—(Received August 6.)*  
*Massowah, June 20, 1852. [See Vol. XLIX. Page 800.]*

*No. 127.—Consul Plowden to the Earl of Malmesbury.—(Received April 29, 1853.)*

MY LORD,

*Massowah, December 15, 1852.*

HAVING recently travelled in the independent districts to the northward of Massowah, along the coast of the Red Sea, the following facts I think it right to communicate.

These tribes were formerly subject to the Emperors of Gondar, and one station of importance was in the country of the Hababa, where extensive ruins are still visible of stone houses. At present, from want of protection, these tribes have no fixed habitations, and are equally persecuted for tribute by Turk and Christian. For the same reason they have, within the last hundred years, seceded from the Christian and adopted in great measure the Mahometan faith, as being that of the nearest of their tormentors.

I know from the mouths of many that they would be happy to return to the faith of their fathers, literally speaking, as many even of the present race bear Christian names; but they must then be able to claim a Christian protector.

The way in which this might be effected I have already more than sufficiently pressed on Her Majesty's Government; I shall therefore limit myself to the communication of any interesting fact such as the above that may fall under my notice from time to time.

I have, &c.

*The Earl of Malmesbury.*

WALTER PLOWDEN.

*No. 128.—Consul Plowden to the Earl of Malmesbury.—(Rec. April 29.)*

MY LORD,

*Massowah, January 24, 1853.*

I HAVE the honour to inform you that one of the great vassals of Ras Ali, named Dejajmatch Kasai, possessing large provinces between Gondar and Sennaar, has rebelled, and having defeated and slain the great Chieftain Dejajmatch Goseho, despatched against him by the Ras, has pillaged Gondar and the adjoining provinces.

The Ras has ordered several large bodies of troops to be put in motion from Tigré and Godjam, but the final result of these matters is still very uncertain. Much must depend upon the continued fidelity or neutrality of the Dejajmatch Oobeay, who, whilst tributary, is nearly the equal of the Ras himself.

It is evident that as long as the feudal system prevails in Abyssinia, it is hopeless to expect tranquillity, I trust, however, that at present the position and power of the Ras will be in nowise endangered.

I have, &c.

*The Earl of Malmesbury.*

WALTER PLOWDEN.

*No. 130.—Consul Plowden to the Earl of Malmesbury.—(Rec. April 29.)*

MY LORD,

*Massowah, February 13, 1853.*

I HAVE to inform you that the Turkish Pasha of this place had ordered an expedition by land and sea against Amphylla, to assert there the authority of the Sultan, and to receive tribute.

The Shohos, a powerful tribe in this neighbourhood, then assembled to the number of 3,000, and threatened to plunder the whole country in the rear of the Turkish troops, as far as Massowah.

The Naib, who has still some family influence, went to the meeting, and has partially pacified these people; the expedition proposed to Amphylla has, however, been postponed indefinitely.

It is singular, that with scarcely a foot of ground beyond their fortress, the Pasha should, the other day, ask me in full Divan, if I did not consider Abyssinia as a Pashalic of the Sultan. I simply replied, that I had no information on that point. It is certain that both Egypt and Constantinople have never ceased to covet the possession of that fine country. I have, &c.

*The Earl of Malmesbury.*

WALTER PLOWDEN.

*No. 131.—Consul Plowden to the Earl of Malmesbury.—(Received July 2.) Massowah, March 23, 1853. [See Vol. XLIX. Page 804]*

*No. 136.—Consul Plowden to the Earl of Clarendon.—(Rec. Sep. 19.)*  
 MY LORD, *Adowah, May 24, 1853.*

IN my despatch of the 23rd of March last, I have pointed out the precarious nature of a Consulate here, owing to the distracted state of the country, and the absence of any efficient sovereign authority; at the same time not to lose the ground I have gained, I am now negotiating with the Ras for the public proclamation of the Consulate, and the principal points of the Treaty we have concluded with him.

For the same reasons as above, this proclamation will be at present of little real use, still it will be a step in advance.

From the difficulty of corresponding, and the hesitating nature of the Ras, it will be a work of some time; the Ras having expressed his readiness to accede to my proposal at some indefinite period. I am pressing him to act at once.

I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN.

*No. 137.—The Earl of Clarendon to Consul Plowden. Foreign Office, October 3, 1853. [See Vol. XLIX. Page 806.]*

*No. 140.—Consul Plowden to Lord J. Russell.—(Rec. October 28.)*  
 MY LORD, *Hallai, July 28, 1853.*

I HAVE the honour to state that the Aboona Salama, High Priest of Abyssinia, a man from his position necessarily of great influence, has preferred to me the following request:—

That having occasion often to send followers or property to Egypt, they are subject to loss or maltreatment at Massowah and Djeddah for want of any legal protection.

He therefore requests that his emissaries and property may receive at those places the protection of the British authorities, and is ready in return to lend his powerful influence to the English in Abyssinia.

This influence in a country so ignorant and superstitious is not to be despised; and the rather, on considering, that whatever changes of chiefs or dynasties may occur, the Aboona will probably be always highly revered, both by the populace and their rulers.

I therefore would recommend his request to the favourable and speedy consideration of your Lordship.

I have, &c.

*Lord J. Russell.*

WALTER PLOWDEN.

*No. 142.—The Earl of Clarendon to Consul Plowden.*

SIR,

*Foreign Office, November 4, 1853.*

I HAVE received your despatch of the 28th of July last, reporting that the Aboona Salama, or High Priest of Abyssinia, has requested that his emissaries and property may be protected by the British authorities at Massowah and Djeddah, at which places they are subject to maltreatment for the want of some legal protection.

In reply I have to state to you, that I am not aware that there would be any objection or impropriety in your affording protection to the High Priest's followers and property, and I accordingly authorize you to give his agents the benefit of your advice and assistance whenever you can properly do so without committing yourself or your Government.

A similar instruction will be addressed to the British Vice-Consul at Djeddah.

I am, &c.

*W. Plowden, Esq.*

CLARENDON.

*No. 148.—Consul Plowden to the Earl of Clarendon.—(Rec. Dec. 27)*

MY LORD,

*Massowah, October 20, 1853.*

I HAVE the honour to inform you that Dejaj Oobeay, the Chief of Tigré, has several times pressed me to assist him in buying with his own money some muskets and rifles, and that I have as often refused.

His last letter being curious, I inclose a translation of it.

I have often pointed out to Her Majesty's Government that it is not reasonable to expect anything for nothing from an Abyssinian Chief; nor can Dejaj Oobeay understand how on the one hand I request, and even obtain his friendship, and on the other refuse him so slight a request.

Equally impossible is it to explain to the Abyssinians the nature of our relations with the Turkish Government.



Being aware that the only sea-port to his country is in the hands of the Turks, and the fire-arms will not be allowed to pass, he trusts to my influence to effect this for him.

If I do not meet his wishes, and assist him, it is certain that his present good will will change at the least to indifference; and I think, not without some reason. By the fall of the Ras Ali, Dejaz Oobeay is at present quite independent; how the result of the future struggle with Dejaz Kasai may change his position, or increase his power, cannot yet be known.

It would be well, however, either to take the necessary pains to reciprocate the friendship we have demanded, or to abandon the idea at once, if it be useless. I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN.

(Inclosure.)—*Dejaz Oobeay to Consul Plowden.*

(Translation.)

MAY this letter from Dejazmatch Oobeay, King of Ethiopia, reach the Consul Plowden.

What were the terms of our friendship? That I should do what you demand of me, and that you should do what I ask you.

Now, if it be possible, do you go for me to your country; if not, some person in your confidence, who understands guns, should go. I will send Mr. Wurkee with him, on my part. I wish to buy guns and pistols of different kinds and of good quality, and rely upon you.

I shall have the money ready after a few months.

No. 150.—*Consul Plowden to the Earl of Clarendon.*—(Received February 28, 1854.)

MY LORD,

*Massowah, December 21, 1853.*

I HAVE the honour to acknowledge the receipt of your despatch of the 3rd October, 1853, and shall prepare as soon as is possible the report you require, embodying all the information I possess regarding the interior and the coast.

From my late despatches respecting the position of Ras Ali, your Lordship will see that our Treaty with him is likely to become a nullity, at least with regard to any immediate benefit.

I shall, therefore, seek rather to point out the means for procuring an influence over the people of Abyssinia, than over their very ephemeral governments.

In the meantime, I would point out to your Lordship, that Her Majesty's Government has sent 3 expeditions to Abyssinia previous to my appointment.

The first, that of Mr. Salt, the time of the Ras Wolda Selasee;  
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that of Mr. Coffin, to the Dejaz Sabargardis, both these in Tigré; and, finally, that of Captain Harris to Shoa.

Some useful information might perhaps be found in the official records of these missions. I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN.

*No. 156.—Consul Plowden to the Earl of Clarendon.—(Rec. June 18.)*

MY LORD,

*Massowah, March 15, 1854.*

I HAVE the honour to inform you that the Bey of Taka, an Egyptian military post, has ravaged a district called Senhait, or Bogoe, about 120 miles in a north-westerly direction from Massowah, and has carried into slavery, it is said, about 300 of the inhabitants.

The principal people of that country have represented to me that they are professing Christians, have always been so, and have never paid tribute to the Egyptian Governor; that they owe allegiance to Dejazmatch Oobeay, but that the confusion of Affairs in Abyssinia prevents him affording them protection.

It appears that the Bey, having learnt that Oobeay was in some difficulty, thought it a favourable opportunity to extend the faith of his prophet, and increase the revenue of his master; and has accordingly threatened to repeat his invasions constantly until they shall adopt the Mahometan creed and submit to his sway.

They have a church, and a Catholic priest has lately baptised most of their children. The whole population has now fled to the mountains, and the Chiefs have sent to inform me that if within a certain time I can procure them an assurance of peace and protection they will receive it with joy, and act in all matters by my counsel; otherwise, that they have no alternative but to submit to the demands of the Bey in every respect.

They further request me, if possible, to build a Consulate in their territory, with the British flag; to which I have of course replied, that such a step cannot be taken without due deliberation and the orders of my Government.

I purpose immediately to visit that country, and also to have some conference with the Governor of Taka; after which I shall again address your Lordship on this subject.

In the meantime I have written to Her Majesty's Consul-General in Egypt, requesting him to obtain an order from His Highness the Pasha to prevent any further attacks in that quarter until the matter shall have been considered; and, if possible, to order the restitution of their wives and children to these poor people, who are even willing to pay ransom for them as far as their poverty will permit.

I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN.

*No. 158.—The Earl of Clarendon to Consul Plowden.*

SIR,

*Foreign Office, June 26, 1854.*

YOUR despatches to that of the 17th March inclusive have been received at this office.

With reference to your despatch of the 15th March last, in which you report the conduct of the Bey of Taka in ravaging a district in Abyssinia, called Senhait or Bogos, and carrying into captivity a number of the inhabitants who are professing Christians, I have to acquaint you that I have instructed Her Majesty's Agent and Consul-General in Egypt to inform the Viceroy that the British Government cannot remain indifferent to the fate of these Christians, and that they expect that immediate and precise orders will be given to the Bey of Taka to desist from persecuting them, and to set free the people whom he has violently led away into captivity.

I have further to acquaint you that I approve the visit which you propose making to the Governor of Taka in connection with these matters.

I am, &amp;c.

*W. Plowden, Esq.*

CLARENDON.

*No. 159.—Consul Plowden to the Earl of Clarendon.—(Rec. June 28.)*

MY LORD,

*Bogos, March 29, 1854.*

WITH reference to my despatch of the 15th instant, I have the honour to inform you that I have arrived in this province, and have examined the principal inhabitants. Their church has been burnt wantonly, their villages destroyed, 340 have been carried into slavery, and the Bey of Taka is daily sending them messages, offering them the choice of the Koran or the sword.

The province is a part of the Christian country of Tigré, pays tribute to Dejajmatch Oobeay, and has never paid any to the Egyptian Government, and its inhabitants declare that they will abandon their houses rather than accept the Mahometan faith.

It is but 5 years since the district called Halhal, adjoining this, has yielded to similar menaces and attacks.

I trust that the confidence of these poor people in Her Majesty's Government, as represented by me, will not have been misplaced, and that your Lordship will check these insidious approaches of the Egyptian Government towards the conquest of Tigré, and prevent its taking advantage of the unhappy dissensions of the Abyssinians.

I request an order for the restoration of all the people carried away from this province, and forbidding all further attacks by the Governor of Taka, direct or indirect, on the districts of Mensa and Bogos, the latter sometimes called Billayn.

I am about to proceed to Kessala, the residence of the Bey of Taka, to check, if possible, any violence that he may contemplate in the meantime, and on my return I shall probably be able to furnish your Lordship with a rough map for your guidance as to boundaries.

I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN.

*No. 160.—Consul Plowden to the Earl of Clarendon —(Rec June 28.)*

MY LORD,

*Kessala, April 18, 1854.*

I HAVE the honour to inform you that I have seen the Bey of Taka, and have written to him a letter, of which I inclose a copy, relative to the affairs mentioned in my despatch of the 29th ultimo, from Senhait.

I have as yet received no answer from the Bey; he appears to be a man fanatic in his creed, and who still hopes to propagate that creed by the sword. In conversations, he, like the Governor of Massowah, broaches the idea that Abyssinia is the property of his master the Pasha of Egypt. On what this absurdity is founded I know not; the Abyssinians having more right to Yemen, which they once possessed, than the Turks can have to a country in which they never set foot.

I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN.

*(Inclosure.)—Consul Plowden to Mahommed Khosroof Bey.*

SIR,

*Kessala, April 16, 1854.*

THE principal inhabitants of Bogos, a Christian province of Tigré, have represented to me that your troops, with Arabs of the Beni Ameer, have entered their territory, burnt their villages and a church, plundered 1,800 head of cattle and other property, and carried into slavery 340 women and children; they have consequently requested my protection.

As I have reason to know that their statement is true, I have written to my Government and to Her Majesty's Consul-General in Egypt on the subject, and I now protest against any further act of violence on your part, directly or indirectly affecting the Province of Bogos, sometimes called Billayn or Senhait, or any other Christian province of Abyssinia, until the pleasure of our respective Governments shall be known.

Moreover, as the 340 Christians you have carried into slavery may perhaps be required at your hands, if you refuse to give them up to me as I now request you, I make you aware of the responsibility that may attach to you should they not be forthcoming when demanded by higher authority.

I have, &c.

*Mahommed Khosroof Bey.*

WALTER PLOWDEN.

Signed by 11 of the principal inhabitants of Bogos, and approved by a multitude in my presence.

WALTER PLOWDEN.

*No. 162.—Consul Plowden to the Earl of Clarendon.—(Rec. June 28.)*

MY LORD,

*Kessala, April 20, 1854.*

WITH reference to my last despatches, I have the honour to inform you that after an interview with the Bey, and much hesitation on his part, he has written me an answer to my protest, stating that he will not give up the persons I demanded without orders from Cairo.

In the meantime, he permits the sale of those prisoners daily into distant countries, and knows that the rainy season here will soon interrupt all communication; he enjoys the pleasure of having made so many converts to Islamism, and of showing the fanatics of these parts how little weight he attaches to the representations of a Christian Consul; he continues urgently to threaten the inhabitants of Bogos, and trusts that distance, delay, and the sympathy of his superiors will in any case shelter him from all consequences.

He argues that those people have no religion; that having plundered them before, he has a right to plunder them again; that their churches are not churches; and, finally, he calls them "Ohistan" instead of Christian, as though the omission of an "r" could change their faith, race, and language, and entitle him to sell them into slavery.

He has indeed every reason to debate the cause. The ambition of a soldier, the extension of his creed, the gratification of sensuality and cupidity, the mortification of yielding, and the hope of praise from his superiors, who profit in their turn, all urge him to be tenacious of his booty.

I trust that your Lordship, with better grounds, will think fit to support my demands.

I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN.

*No. 163.—Consul Plowden to the Earl of Clarendon.—(Rec. June 28.)*

MY LORD,

*Atbara, April 26, 1854*

THE Governor of Taka having, for obvious reasons, attempted to intercept or delay my last despatches, as will appear by the inclosed statement, I am now obliged with much expense and trouble to send my dragoman with those letters to Khartoom, and have accompanied him on the road thus far.

The naturally violent disposition of the Bey, inflamed by the abject fear of all around him, is now irritated to the highest degree by my remonstrances. I demand compensation for the needless expense I have been put to; it is for Her Majesty's Government

the contempt he has shown for my person by not attempting to check the sale of the people of Egypt as I demanded until the question should be discussed and decided by our superiors.

I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN

(Inclosure.)—Statement.

GIOVANNI KOSSIKA, Greek, agent of the mercantile house of Toma Savad of Djeddah, under British protection, and resident at Kessala, undertook to forward my despatches via Khartoum, where there is no English Consul, and where he has a correspondent.

M. Kossika having addressed my packet to his correspondent, gave it to a "cavase" or messenger of the Pasha of Senaar, who was in the habit of carrying his letters. This man took charge of them cheerfully, but two days after came at night, the 24th April, to the house of M. Kossika and there stated that the Governor had called him to ask him why he presumed to carry letters for Franka, demanded to see the packet, which he had not, however, about his person, asked whether it was large, and appeared to contain official despatches, and finally ordered him to produce it the next morning. The messenger then returned the packet to M. Kossika, as he could not be responsible for its safety, and begged that what he had said might not be reported to the Governor to his detriment. He doubtless told the Bey that we had taken back the letters to send by some other opportunity.

As to obtaining witnesses or signatures to this or any other matter at Kessala, it is next to impossible, as long as the Bey wields the lash at pleasure, with the exception of M. Kossika, who is ready to give his testimony if necessary. Having occasion for a writer to pen a few lines for me in Arabic, the man trembled in every joint for fear that his handwriting should be known.

WALTER PLOWDEN.

No. 166.—*The Earl of Clarendon to Mr. Bruce.*

SIR,

*Foreign Office, June 30, 1854.*

I HAVE received your despatch of the 16th instant, inclosing despatches from Mr. Consul Plowden respecting the outrage committed by the Bey of Taka upon the Christian community of Bogos, and the obstacles offered by that Chief to the transmission of the correspondence of Her Majesty's Consul.

It appears from your despatch that the Bey of Taka is under the authority of Abbas Pasha, and it is to the Pasha, therefore, that Her Majesty's Government will apply in the first instance for his correction. Her Majesty's Government are glad to see that at

to weigh the insult, which savours of the last century, as well as your instigation the Pasha has set on foot an inquiry into the circumstances alleged against the Bey, and has directed that the women and children seized by him from the district of Bogos shall be restored. The Pasha has shown thus far a proper disposition to redress the grievous wrong which the Bey has inflicted upon a Christian community; but the redress will be very inadequate if it stops there.

You will state to the Pasha distinctly, that Her Majesty's Government will not acquiesce in any assumption, either on the part of the Porte or on that of himself, of any authority over the independent territories of Abyssinia; and that Her Majesty's Government will watch over the interests of the Christians in that country, and not allow them to be maltreated or oppressed by their Mussulman neighbours.

In the present case, however, not only has the Bey of Taka committed a gross outrage on a people in whom, as Christians, Her Majesty's Government take a lively interest, but he has also insulted the British Government, by interfering with the transmission of the correspondence of Her Majesty's Consul; and you will put it to the Pasha whether, for such gross misconduct, the mere restitution by the Bey of his captives will be a sufficient atonement, and whether anything short of the removal of the Bey of Taka from his command, can adequately mark the sense of Abbas Pasha's displeasure at his proceeding, or the Pasha's sense of what is due to the remonstrances of the British Government.

You will add that Her Majesty's Government prefer to make this appeal to the Pasha himself in the first instance, rather than to apply to the Porte to interpose its authority; but that Her Majesty's Ambassador will be directed to bring the matter to the notice of the Porte, if you should be unable satisfactorily to arrange it with the Pasha.

I am, &c.

Hon. F. W. A. Bruce

CLARENDON

*No. 167 — The Earl of Clarendon to Consul Plowden.*

SIR,

*Foreign Office, July 6, 1854.*

I HAVE received your despatches from the 20th of March to the 26th of April last, respecting the outrages committed by the Bey of Taka upon the Christian community of Bogos, and the obstacles offered by that Chief to the transmission of your correspondence.

I approve of the conduct which you have pursued in these matters, as reported in your despatches, and I have given such instructions to Her Majesty's Agent and Consul-General at Cairo thereupon as Her Majesty's Government trust will enable him to



induce the Pasha of Egypt to put a stop to those proceedings and prevent their future recurrence. I am, &c.

*W. Plowden, Esq.*

CLARENDON.

*No. 168.—Mr. Bruce to the Earl of Clarendon.—(Rec. August 14.)  
(Extract.)*

*Cairo, July 30, 1854.*

WITH reference to the proceedings of the Bey of Taka, and to your Lordship's despatch dated the 30th ultimo, I have to remark that Abbas Pasha pursued with reference to it the same system of delay and procrastination of which I had so constantly to complain.

He assured me that an officer, called Omar Bey, had been appointed to proceed to Taka with instructions to remove the Bey, and to review, in concert with Mr. Plowden, the state of the relations with the Abyssinian tribes, so as to put a stop in future to the proceedings complained of. In spite, however, of repeated applications on my part, the departure of Omar Bey was delayed under various pretexts, and he was still in Cairo, waiting for instructions, when the Pasha died. I feel convinced, as I hinted to your Lordship in my despatch, inclosing those of Mr. Plowden, that Abbas Pasha approved of the fanatical spirit exhibited by the Bey of Taka, and that the latter, in his enterprises against the Abyssinian Christians, was acting in obedience to the orders of his master. I have now the honour to transmit to your Lordship the reply addressed to me by His Highness Said Pasha, as soon as I had an opportunity of bringing the case before him. An express has already left for Upper Egypt with detailed instructions for the Governor-in-Chief of the Soudan, embracing every point requisite for the restitution of the captives and for the settlement of the frontier.

Whatever may be the defects of Said Pasha, he is quite free from the fanaticism and hatred of Christians which distinguished his predecessor.

*The Earl of Clarendon.*

FREDERICK W. A. BRUCE.

*(Inclosure.)—Mahmoud Bey to Mr. Bruce.*

M. L'AGENT ET CONSUL-GENERAL, *Cairo, le 31 Juillet, 1854.*

JE n'ai pas manqué de mettre sous les yeux du Vice-Roi la communication que vous m'avez fait l'honneur de m'adresser le 25 de ce mois, relativement aux faits qui se sont passés sur les confins du district de Takka, et je m'empresse de porter à votre connaissance que son Altesse a sur le champ prononcé la destitution de Khosrew Bey, Gouverneur de ce district. En donnant des ordres en conséquence au Gouverneur-Général du Soudan, le Vice-Roi lui a prescrit de réparer autant que possible et de prévenir pour l'avenir

des actes aussi contraires aux principes de sage tolérance et d'humanité dont son Altesse a la ferme volonté de faire la règle constante de son administration, dans toute l'étendue des provinces qu'elle est appelée à gouverner.

Son Altesse se plait à penser qu'en faisant connaître cette décision au Gouvernement de Sa Majesté Britannique vous voudrez bien vous rendre l'interprète des sentiments dont elle est animée, et dont je suis chargé de vous transmettre l'expression.

Je saisis, &c.

*Hon. F. W. A. Bruce.*

MAHMOUD BEY.

*No. 169.—Consul Plowden to the Earl of Clarendon.—(Rec. Aug. 29.)*  
(Extract.) *Kessala, June 2, 1854.*

WITH reference to my last despatch, I have the honour to inform you that the Pasha of Sennaar has sent an order to the Governor of Taka to suspend the sale of the Christians of Senhait.  
*The Earl of Clarendon.*

WALTER PLOWDEN.

*No. 170.—Consul Plowden to the Earl of Clarendon.—(Rec. Aug. 29.)*  
MY LORD, *Kessala, June 8, 1854.*

I HAVE the honour to state that the sale of the Christian prisoners having been suspended as mentioned in my last despatch, they are now treated with barbarity by their owners to make them change their faith.

I have seen some of these unfortunates; their tears and entreaties pierce my heart; they declare that death is preferable to their present lot, and one, I know, has only been restrained by force from suicide.

Their despair is increased by the knowledge of my departure this evening for Massowah, and their ignorance is unable to find hope for the future in the sympathy of our too distant country, or the release that may be slowly obtained from the Pasha of Egypt.

I need say little more, I think, about this civilized Governor. his own words depict his character. To my dragoman he said "I would rather be put to death by my master than deliver up these slaves to become again Christians; and, moreover, it is very far from Kessala to Cairo." To me, he said, "The Mussulman faith has always been propagated by the sword, and force is the only remedy for savages and unbelievers."

I have done all in my power, as I was indeed bound to do; for had not the people of Senhait put faith in me and the British Government, they might either by submission or purchase, have ransomed most of their relatives. I trust that their reliance will not have been altogether vain.

As it is possible that these despatches may fall into the unscrupulous hands of the Governor, Khosroof Bey, I shall send duplicates from Massowah.

I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN.

No. 181.—*The Earl of Clarendon to Lord Stratford de Redcliffe.*

MY LORD,

*Foreign Office, October 20, 1854.*

I TRANSMIT, for your Excellency's information, copies of 8 despatches from Mr. Consul Plowden, detailing the injuries and insults offered to him by the Governor of Massowah, and requesting that reparation may be afforded to him for the vexations and loss caused him by this Pasha's conduct.

His proceedings, indeed, as reported by Mr. Plowden, appear to be positively hostile to Her Majesty's Agent, instead of being characterized by the courtesy and kindness which are due to the officer of a friendly power.

I have to instruct your Excellency to make known to the Turkish Government these continued complaints of Mr. Plowden, and to request the Porte to take steps for the dismissal of the Pasha of Massowah, or to cause the most peremptory orders to be sent to him to treat the British Consul in a becoming manner, and to afford him redress on the various matters of complaint which he sets forth in his despatches.

I am, &c.

*Lord Stratford de Redcliffe.*

CLARENDON.

No. 184.—*Consul Plowden to the Earl of Clarendon.*—(Rec. Nov. 2.)  
*Massowah, July 9, 1854.* [See Vol. XLIX. Page 806.]

No. 187.—*Mr. Bruce to the Earl of Clarendon.*—(Rec. Dec. 27.)

MY LORD,

*Cairo, November 24, 1854.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 26th ultimo, inclosing copies of 8 despatches from Mr. Plowden respecting the conduct observed to him by the Governor of Massowah.

With reference to the instructions contained in your Lordship's despatch, I ought to state that the Governor of Massowah is not appointed by, nor is he under the jurisdiction of, the Viceroy of Egypt. He is named by the Government of the Sublime Porte, and is, I believe, to some extent, under the jurisdiction of the Governor of the Hedjaz.

Mr. Barroni, who was lately here, confirmed in every particular the account given by Mr. Plowden of the proceedings of the Governor of Massowah. The Slave Trade is carried on under his auspices, and he treats with undisguised contempt the firmans

against it issued by the Porte, which is totally unable to enforce their observance.

Mr. Barroni, when I asked him how these evils could be remedied, seemed to think that an occasional visit of a ship of war would be of use.

I have, &c.

*The Earl of Clarendon.*

FREDERICK W. A. BRUCE.

*No. 188.—The Earl of Clarendon to Lord Stratford de Redcliffe.*

MY LORD,

*Foreign Office, January 3, 1855.*

YOUR Excellency was instructed by my despatch of the 26th of October last to represent to the Sublime Porte the conduct of the Governor of Massowah to Mr. Consul Plowden, and to request either his dismissal, or that most peremptory orders should be sent him to treat the British Consul in a becoming manner, and to afford him redress for past injuries, but I have not yet received from your Excellency any report upon this matter.

I have now, however, to transmit to your Excellency a copy of a despatch from Mr. Bruce, respecting the proceedings of the Governor of Massowah, and to instruct your Excellency to urge the Turkish Government to punish that officer, if they have not already done so, in consequence of your execution of my former instructions.

I am, &c.

*Lord Stratford de Redcliffe.*

CLARENDON.

*No. 190.—Consul Plowden to the Earl of Clarendon.—Received January 16, 1855.)*

MY LORD,

*Massowah, November 3, 1854*

WITH reference to my despatch of the 3rd June, 1854, I have the honour to inform you that I learn by private information from the Province of Senhait, that 203 prisoners have been restored to their homes by the orders of the late Abbas Pasha, owing to the energetic representations of Her Majesty's Consul-General in Egypt.

If any official communications have been addressed to me on this subject, I have not received them, as no vessel from Aden has visited this port for 8 months past.

As I imagine that Her Majesty's Consul-General has received your Lordship's instructions relative to this affair, I shall address myself to him for its conclusion, some prisoners being yet missing.

I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN.

*No. 192.—Consul Plowden to the Earl of Clarendon.—(Received February 12, 1855.)*

MY LORD,

*Massowah, November 6, 1854.*

I HAVE the honour to inform you that Dejajmatch Kassai has

written to me a letter full of expressions of esteem for me and respect for the English nation, and stating that he has by proclamation forbidden, under severe penalties, the exportation of slaves.

The struggle between him and Dejjamatch Oobeay will be decided in a few weeks, and if, as I hope, Kasai become master of Abyssinia, further reforms may be expected from the only man in the country who has ever shown originality of thought or desire for improvement.

It remains for Her Majesty's Government to consider whether it will assist him in his views should he succeed in the present contest, and in establishing on a firm basis the Government that he will have created by a series of hazardous battles.

I shall recall this subject to your Lordship's notice when I hear decisive news, or perhaps after I shall have seen Kasai in person.

I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN.

*No. 193.—Consul Plowden to the Earl of Clarendon.—(Received February 13, 1855.)*

MY LORD,

*Massowah, November 28, 1854.*

I HAVE the honour to inform you that Dejjamatch Kasai is to be styled King of Abyssinia, by the ancient title of "Ahtéée" or "Hatze," in the Tigré language.

A peace with Dejjamatch Oobeay is on the *tapis*, on the conditions that he acknowledge Kasai as his liege lord and pay him yearly tribute—a fruitful source of future contention; Oobeay to receive the title of Ras.

The Ras Ali is finally taken prisoner and placed in durance by Dejjamatch Kasai; an expedition is also planned by the latter to reduce the ruler of Shoa to his ancient condition of vassal to the Court of Gondar—there can be little doubt of its success if attempted.

Kasai has forbidden the exportation of slaves under the severest penalties, and proposes to exclude Mahometans from high dignities or emoluments.

He is disposed, I think, to listen to advice, and I hope to be able to visit him when the terms of the accord with Oobeay shall be well defined; nor am I without hope that my counsels, supported as they will be by the Aboona Salama, now all-powerful, may produce some good effect in urging reforms in the interior. As to the affairs of the coast, I have already freely expressed my opinion that they can only be considered by Her Majesty's Government.

I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN.

*No. 194.—Consul Plowden to the Earl of Clarendon.—(Received February 12, 1855.)*

M<sup>r</sup> LORD,

Massowah, November 28, 1854.

I HAVE the honour to inclose copy of a protest addressed to the Pasha of Massowah, and signed also by the French Vice-Consul here.

It was addressed to the Pasha as a matter of form, it being certain that no attention would be paid by him to any such representation, and our letter has consequently not even been acknowledged.

The Naib has, with about 150 Turkish soldiers, ravaged and burnt several villages, and a church of Hamasayn, a province not only Christian but more indisputably the property of the ruler of Tigré than Wallachia can be of the Porte, inasmuch as his title reaches as far back as history extends its records.

It will be urged that a petty chief of Hamasayn had lately ravaged some herds, the property of the Shohos, and that the Naib has therefore cause of war; but I submit that, firstly, application should have been made to the superior of that chief, Dejj Oobeay; secondly, if this were impossible, or redress refused, the Pasha should have taken the orders of his Government, it being no case of defence but of reprisal; and thirdly, in courtesy, some communication should have been made to me as representing Her Majesty's Government in Abyssinia.

It is very inconvenient that the Governor of Massowah should have the power of provoking war at his pleasure; it is absurd that he should meditate, unauthorized, the conquest of distant Christian provinces, while unable to govern his own; and it is shameful that inroads should be authorized by him, more barbarous than the expeditions of those whom he calls barbarians—burning and enslaving.

It is true that this particular case might safely be left to the care of the Abyssinian Chiefs as far as reprisals are concerned, and much misery and bloodshed may ensue from this folly of the Pasha.

I have already impressed upon your Lordship the advisability of obtaining from the Sublime Porte a recognition of the independence of the Abyssinian Kingdom; the fixing of the limits of that kingdom will then be equally necessary to prevent such useless quarrels as those now occurring, and which I narrate as an additional reason for serious interference.

Goods from Muscat, the firm ally of England, still pay 12 per cent. duty when brought by British subjects to a Turkish port, but with a shadow more of reason than in this case of Abyssinia, to which no substantial claim can be laid, even of ancient vassalage.

It is my duty to furnish your Lordship with these particulars at once, as it was my duty to place a protest in the hands of the Pasha, lest I should hereafter be taxed with my silence.

I would not, however, advise your Lordship to act immediately in this matter, though it should not be lost sight of, as it stands with our honour to uphold the only Christian State of Asia or Africa that has preserved its independence unaided through 15 centuries. I should wish first to furnish further information on the consequences of this inroad.

The advantage of some delay is, that the Abyssinian Chiefs, so persuaded of their security and superiority, may feel sufficient alarm to appreciate their obligation to us when we do interfere; moreover, as Dejaz Kasai is becoming daily more powerful, I should wish to have his opinion on this and collateral matters previous to a final reference.

I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN.

*(Inclosure.)—Consul Plowden and the French Vice-Consul to the Pasha of Massowah.*

EXCELLENCE,

*Massowah, le 10 Décembre, 1854.*

En vous présentant nos salutations, nous devons vous faire connaître que nous avons appris l'entrée en campagne du Naïb Mohammed, et que d'après vos ordres il s'est dirigé vers le pays d'Hamasayn, à la tête des troupes irrégulières.

Votre Excellence doit savoir qu'une pareille expédition, qui peut entraîner une guerre avec l'Abyssinie, doit nous préoccuper vivement, surtout actuellement où l'alliance intime qui unit l'Angleterre, la France, et la Turquie, fait que nos Gouvernements ont également et mutuellement à s'intéresser à toute éventualité nouvelle de paix ou de guerre.

Comme votre Excellence a cru devoir agir seule et sans nous prévenir, nous nous trouvons dans la nécessité de rejeter sur elle toute la responsabilité d'un acte aussi grave, si cet acte était désapprouvé à Constantinople.

Tout en déplorant votre conduite, Excellence, notre devoir nous oblige de protester fortement contre l'invasion, quelqu'en soit le prétexte, des provinces de Hamasayn, Mensa, Senhait, Bejook, Mugara ou Mogos, ou Billayn, et enfin de toutes celles de l'Abyssinie, avant que nous ayons reçu des réponses de nos Gouvernements respectifs, et de vous notifier qu'aucun de vos soldats, ni de ceux du Naib, ne doit paraître dans ces contrées sans un ordre formel de la Sublime Porte.

Votre Excellence ne peut ignorer que lors même qu'elle aurait de justes motifs de plainte contre les habitants de ces provinces,



elle n'a pas le droit d'user de représailles sans un ordre spécial de son Gouvernement.

*The Pasha of Massowah.*

WALTER PLOWDEN.  
L. C. DE LAYE

No. 196.—*Consul Plowden to the Earl of Clarendon.*—(Received February 13, 1855.)

MY LORD, *Massowah, November 29, 1854.*

THE law apparently not permitting, in any case, at least as it is interpreted at Massowah, that Christians should witness against a Mussulman, a serious inconvenience may arise. European residents here have none but Christian servants in their establishments; a Mussulman is therefore at liberty to enter and do what he pleases, as conviction is impossible. Nor is this an imaginary case, as I have been more than once troubled by this regulation, if it exists.

Nor is your Lordship to suppose that any exception is made in courtesy or otherwise in regard to Consular officers here; on the contrary, we are continually referred to the Cadi, the Mufti, and the Koran.

Having pointed out this, I wish to remark, in case of any law being passed in Turkey that shall admit Christians of all denominations and nations to witness in a Mahometan Court of Justice, which I hear is probable, that unless the Abyssinian Christians be specially named, no phrase, however comprehensive, will induce the rulers of Massowah to admit their claim to that distinction.

I have, &c

*The Earl of Clarendon.*

WALTER PLOWDEN

No. 200.—*The Earl of Clarendon to Mr. Bruce.*

SIR, *Foreign Office, February 16, 1855.*

I TRANSMIT to you herewith, a copy of a despatch from Her Majesty's Consul at Massowah, relative to some Abyssinian prisoners who had been restored to their homes by orders of the late Abbas Pasha; and I have to instruct you to take such steps as you may think most expedient for procuring the release of the remaining prisoners referred to by Consul Plowden.

I am, &c.

*F. W. A. Bruce, Esq.*

CLARENDON.

No. 201.—*Lord Stratford de Redcliffe to the Earl of Clarendon.*  
(Received March 28.)

MY LORD, *Constantinople, March 12, 1855.*

I AVAIL myself of the present opportunity to forward to your Lordship herewith, in copy, an official note which I have addressed

to Aali Pasha on the subject of Mr. Plowden's grievances, and the intolerable proceedings to which his correspondence bears witness on the part of the Turkish functionary intrusted with the Government of Massowah.

I have not shrunk from denouncing the system in the spirit of which it is evident that the Pasha of that island feels himself encouraged to act. Another Vizirial Order, directing him to show a proper degree of respect to Her Majesty's Consul, or the mere substitution of one local functionary for another, will never produce more than a brief mitigation of the evils complained of.

It was absolutely necessary, with a view to radical amendment, that the Porte should perceive the determination of Her Majesty's Government to discountenance that scheme of unprincipled and unwarrantable pretension as to Abyssinia of which so many indications have been given by its authorities in the Red Sea.

The extracts from Mr. Plowden's correspondence, which I have annexed to my official note, present in vivid colours the grievances for which he seeks redress, and the anti-social consequences of the Porte's Abyssinian policy. I have also annexed to the note a joint protest addressed to the Pasha of Massowah by the French Vice-Consul acting on the occasion in perfect concert with Mr. Plowden.

I have, &c.

*The Earl of Clarendon.*

STRATFORD DE REDCLIFFE.

*(Inclosure.)—Lord Stratford de Redcliffe to Aali Pasha.*

*Pera, March 9, 1855.*

THE British Embassy has had, not unfrequently, occasion to bring under consideration the irregular and offensive proceedings of the Pashas of Djeddah and Massowah towards Her Majesty's Consuls residing respectively in those places. Vizirial letters have been transmitted, in consequence, through the Embassy, reminding both functionaries of their duty, and laying strict injunctions upon them never, in levying the Custom-House dues on merchandize, to exact from British subjects more than the amount stipulated by Treaty.

While it appears that at Djeddah the orders of the Porte were attended with some remedial effects, no such improvement has taken place at Massowah, and the Undersigned continues to receive complaints from Her Majesty's Consul in that island. It is evident from Mr. Plowden's Reports, that not only is the Governor insensible to the obligations of Treaty and the sympathies of a common cause, but that his conduct betrays the working of a system adverse to the interests of commerce, however legitimate and

look for ever with indifference on groundless pretensions seconded by unjustifiable proceedings, no less injurious to the dignity and rights of a friendly Government than opposed to the interests of commerce, the sentiments of humanity, and the principle of religious toleration.

The Undersigned, &c.

*Aali Pasha.*

STRATFORD DE REDCLIFFE.

*No. 203.—Consul Plowden to the Earl of Clarendon.—(Rec. April 2.)*

MY LORD,

*Massowah, January 9, 1855.*

WITH reference to my despatch of November 28, 1854, I have the honour to state that I have been obliged to hand in a second protest to the Pasha, as, in utter contempt of the first, his troops have ravaged the Province of Menaa, an undoubted portion of the Abyssinian territory.

I have not yet received any reply from the Pasha, and I know that he is incapable of forming any decision; but any reply from him or his superiors on an isolated case is of small importance.

Unless the independence of Abyssinia is distinctly recognized, and its boundaries on the northern and north-western frontiers clearly defined by the European Powers, such affairs as these will be of constant recurrence.

I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN.

*No. 204.—Consul Plowden to the Earl of Clarendon.—(Rec. April 2.)*

MY LORD,

*Massowah, January 9, 1855.*

WITH reference to the subject of my last despatch, and to my despatch of November 3, 1854, on the affairs of Senhait, I now beg to inclose some extracts from a letter received by me yesterday from that district, which gives a good idea of the state of affairs in those provinces.

I propose to proceed thither to-morrow to make inquiries, to calm the general agitation that prevails, and to send letters from thence to the Governor of Taka, respecting the prisoners still in detention, and requesting him to adopt measures for the safety of my couriers through the Arab tribes; the last states that he with difficulty escaped assassination.

I need scarcely say that my efforts to debar them from what has hitherto been considered lawful pillage, and to check the Slave Trade, are not calculated to make me popular amongst Mahometans of any class.

As no vessel from Aden has touched here since February last, and I have received no letter from the Foreign Office during the whole of the past year, in the absence of instructions, I must act

according to the best of my judgment, and rather with reference to the future than the present, that these provinces may not be wrested from Abyssinia until such time as it may please Her Majesty's Government to consider the best means of providing for their permanent security at least from Mussulman arms ; conquest here signifying conversion.

I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN.

(Inclosure.)—*The Père Stella, Catholic Missionary, to Consul Plowden.*

(Extract.)

(Translation.)

*Mensa, January 2, 1855.*

THE brother of the Naib with 50 armed soldiers has arrived here ; all the inhabitants have fled ; only one has been arrested. I have protested against the ruin of these poor people, and against the plunder of the soldiers.

The Naib pretends that he has been invited here by Tedros, which, though no reason, is also false. Tedros has not been Chief of the district for 4 years past, and has moreover sworn that he did not invite the Naib. The inhabitants have declared often that they are Abyssinians, tributary to the Chief of Tigré ; that they have never been subject to the Turkish Pasha, and request the interference of the English Consul.

The attack is owing to the intrigues of some Mahometans of Arkeeko, who wish to convert the district, and to the cupidity of the Naib, doubtless urged by the Pasha of Massowah.

The district of Bejook will be next attacked.

The inhabitants have begged me to write to you as their only hope for justice and protection. I also pray you to assist them, and doubt not of your exertions in the cause of humanity and Christianity.

I have striven to unite the tribes of Senhait and Bogos in one town ; but they will not listen except to you.

The Chief of Barka, Bayud, prays you to come and establish a peace between him and the inhabitants of Senhait.

Your courier has arrived from Kessala with 10 more of the restored prisoners ; he suffered much on the road : Mohammed Noor, the Chief of Aliguddee, desired to kill him, and he has discovered that Mahommed Khosroof Bey has given orders to the Diglul, Chief of the Arabs called Beni Amer, to kill you when on your first journey to Yasch.

Your courier found on his journey few friends and many enemies. The Arabs of Barka and of Aliguddee were on the point of starting to ravage Hamazayn, when your messenger obtained an order from Omar Effendi (temporary Governor of Taka), ordering them to desist from that purpose.

For the remainder of the prisoners, &c., you must either come yourself or appoint a vakeel with all speed.

*W. Plowden, Esq.*

*No. 205.—Lord Stratford de Redcliffe to the Earl of Clarendon.  
(Received April 11.)*

MY LORD, *Constantinople, March 29, 1855.*

INCLOSED herewith is copy of a report addressed to me on the 20th instant by Mr. Pisani. Your Lordship will learn, on perusing it, that orders have been given, on my demand, by the Porte for the transmission to Massowah of the firman respecting the admission of Christian evidence in the Mahometan courts of criminal justice.

I have, &c.

*The Earl of Clarendon.*

STRATFORD DE REDCLIFFE.

*(Inclosure.)—Mr. Pisani to Lord Stratford de Redcliffe.*

MY LORD, *Pera, March 20, 1855.*

HAVING, in conformity with your Excellency's directions, communicated to Aali Pasha Lord Clarendon's despatch of the 16th of February of this year, as well as its inclosure, I urged his Highness to issue the necessary orders for the transmission to Massowah of the Sultan's firman respecting the reception of Christian evidence in the Mahometan courts; and I have now the honour to report that Aali Pasha, in compliance with your Excellency's representations, gave directions to the Under-Secretary of State to prepare a copy of the above-mentioned firman, and also to draw up the instructions to accompany the same. I shall be careful to have the orders of his Highness executed with the least possible delay.

I have, &c.

*Lord Stratford de Redcliffe.*

ET. PISANI.

*No. 208.—Lord Wodehouse to Consul Plowden.*

SIR, *Foreign Office, April 19, 1855*

I AM directed by the Earl of Clarendon to acknowledge the receipt of your despatch of the 9th of January, and to convey to you his Lordship's approval of your intention to proceed to the Senhait country for the purposes stated in your despatch.

I am, &c.

*W. Plowden, Esq.*

WODEHOUSE.

*No. 209.—Lord Stratford de Redcliffe to the Earl of Clarendon  
(Received April 25.)*

MY LORD, *Constantinople, April 12, 1855.*

REFERRING to my last despatch on the subject of Massowah, I

have the honour to inclose herewith, for your Lordship's information, the instructions addressed to the newly-appointed Governor of that island, and communicated to me by Safvet Effendi.

The purport of those instructions may perhaps be accepted as good to the extent of their bearing, but they are far from amounting to a frank disavowal of the pretensions attributed to the Porte with respect to Abyssinia; and I doubt whether more than an imperfect and temporary improvement will be the result of my representations.

It is my intention, however, under the encouragement afforded me by your Lordship's approval of my note, to urge afresh the injustice and impolicy of that course which the Porte has hitherto pursued, and to require a more explicit compliance with the views entertained by Her Majesty's Government.

Should there be reason to apprehend that the Porte thinks only of temporizing, it will remain with your Lordship to consider by what more direct and effective means the grievances, of which Mr. Plowden so justly complains in the interest of humanity, commerce, and religion, can be definitively redressed.

I have, &c.

*The Earl of Clarendon.*

STRATFORD DE REDCLIFFE.

*(Inclosure.)—Extracts from the Imperial Instructions addressed to the Kaimakam of Massowah, dated April 8, 1855.*

*(Translation.)*

THE chief article of complaint against the late Kaimakam is the contempt shown by him towards the subjects of friendly Powers residing at Massowah. It is indeed reported that he even publicly forbade the bakers to furnish them with bread, and the labourers to work for Europeans—bold, strange, unprecedented, and insane acts; that lately he neglected to punish some persons who had behaved in a reprehensible manner towards the French Vice-Consul residing at Massowah; that he disregards the representations made by the English and French Consuls, and shows a want of consideration towards them.

Now the relations of firm alliance, concord, and old friendship existing between the Imperial Government and the two Powers in question require that the utmost consideration should be evinced towards their Consular officers; and it is the desire of the Sublime Porte that they should receive every facility in matters of business which may be in accordance with Treaty, and that security and protection should be extended towards the subjects under their jurisdiction. Such was the purport of the Royal instructions, and stringent verbal injunctions given to your predecessor on going to

his post; but he neglected them, and followed a different course, which led to his recall.

The Kaimakam will therefore be particularly careful to prevent the recurrence of those evils which give rise to these proceedings and complaints on the part of the Consuls and subjects of foreign Powers. Should he act otherwise he shall be held responsible, and he shall not only be recalled, but punished for his bad conduct and administration. Let him keep that well in mind, and behave himself accordingly.

It is reported in an authentic manner that the slave owners of some of the Christian slaves in Massowah are in the habit of torturing them in various ways to induce them to change their religion, in the hope of selling them, and that the Slave Trade is carried on at the present time at Massowah.

It is in direct opposition to the sublime precepts of the law, and to the equitable sentiments of His Imperial Majesty, that while special instructions have been sent to Massowah also to put a stop to these things, they should continue to be, and more particularly that attempts should be made to compel Christian slaves to change their faith. Such things are strictly forbidden henceforward. No compulsion or importunity is to be used towards any one on account of religious faith. The Effendi will use his best endeavours for preventing altogether the occurrence of such reprehensible acts.

*No. 212.—Consul Plowden to the Earl of Clarendon.—(Rec. Aug. 2.)*  
 MY LORD, *Adowah, April 7, 1855.*

I HAVE the honour to inform you that Dejazmatch Kasai has taken, since his coronation, the name and style of "Theodorus, King of Ethiopia," there being an ancient prophecy that a King of this name should reform Abyssinia, restore the Christian faith, and become master of the world.

He is now persuaded, I hear, that he is this destined Monarch, and his new seal bears the motto of "King of Kings." He has ordered the Mahometans in his dominions to become Christians within the year, and has driven out the Roman Catholics.

He has 50,000 men, and has ordered a part of them to march against the Mahometan Gallas, who have assembled in great force in the Province of Worrahaïmano in defence of their faith. Next year he will reduce Shoa to obedience, and probably most of the Pagan Galla tribes.

His other ideas of conquest I will recount when I have seen him. He dreams even of turning the waters of the Nile into another channel, and thus to ruin or subdue Egypt.



So strong is his crusading spirit that a Syrian has persuaded him to send a message to the Emperor of Russia, as the defender of the Cross against the Crescent. This man has not started yet, and I shall send due notice of his movements.

The King is capable of great things, good or evil. He wishes to discipline his army, and has in part already succeeded; to abolish the feudal system; to have paid governors and judges; and to disarm the people.

He is just, hearing in person the poorest peasant; he has stopped the system of bribes; he has by his own example, and by giving dowries and rewards to those who marry, discouraged polygamy and concubinage; he has forbidden the Slave Trade, and has tranquillized the whole country, no one daring to dispute his pleasure.

His fanatical zeal, his vehement character, and the pride engendered by his wonderful success—armies and strongholds defeated or taken almost by the terror of his name—render it hard to foresee how he will receive European advances; and our relations with Turkey and Egypt will complicate every difficulty.

On the other hand, he has written to me to come when I find it convenient; he has advanced Mr. Bell to high dignities, and trusts him much. It is said also, and he himself wrote thus to me before his last victory, that he desires friendship with England; and the Aboona, now very powerful, will, I think, assist us if no missionaries are sent. At all events it is better to deal with one than with many; and a few interviews will decide the question, the result of which I shall not fail to lay before your Lordship immediately.

I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN.

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*No. 214.—Consul Plowden to Lord Stratford de Redcliffe.—(Received at the Foreign Office, September 3.)*

MY LORD,

*Massowah, March 12, 1855.*

I HAVE the honour to inform you that Ibrahim Pasha, Governor of Massowah hanged himself in his harem on the 14th February last.

I was on a distant expedition when this occurred, but now transmit the following particulars for your Lordship's information.

In January, the Pasha of the Hedjaz, acting on orders transmitted from Constantinople, sent to Massowah a person in his confidence named Atta Bey, with orders to investigate the numerous charges preferred against the late Pasha, and more particularly to make inquiries respecting a serious burglary of 1,000 guineas, stolen from a Spanish merchant under French protection some two years ago; and in which matter it appeared that

Lordship's approval of your exertions to settle the feuds among the tribes which you visited in your journey through the provinces of Mensa and Bogos, as reported in your despatch of the 4th of March.

I am, &c.

W. Plowden, Esq.

E. HAMMOND.

No. 227.—*Consul Plowden to the Earl of Clarendon.*—(*Received November 3.*)—Gondar, June 25, 1855. [See Vol. XLIX. Page 868.]

No. 228.—*The Earl of Clarendon to Consul Plowden.*—*Foreign Office, November 27, 1855.* [See Vol. XLIX. Page 878.]

No. 230.—*Lord Stratford de Redcliffe to the Earl of Clarendon.* (*Received November 29.*)

MY LORD,

Therapia, November 19, 1855.

I HAVE received complaints from the British Agent at Massowah respecting the difficulties which he experiences in obtaining the liberation of slaves imported from Abyssinia.

Inclosed herewith is a copy of the memorandum by which I have brought the cases in question under the immediate consideration of Fuad Pasha.

I have, &c.

The Earl of Clarendon.

STRATFORD DE REDCLIFFE.

(*Inclosure.*)—*Memorandum.*

Therapia, le 10 Novembre, 1855.

L'AUTORITE directe et péremptoire de la Sublime Porte est requise pour mettre fin à toute entrave mise à l'exécution du Firman Impérial envoyé il y a quelque temps à Massowah dans le but d'empêcher la vente des esclaves tirés de l'Abyssinie. Le Gouverneur et les Magistrats de l'île, s'ils ne s'opposent pas de front aux réclamations des Agents Anglais et Français, ne cherchent que trop souvent d'en détourner l'effet. Les esclaves, par conséquent, ne jouissent pas de la protection que le Firman leur accorde, les Agents des Puissances alliées sont décrédités, et quelquefois on leur impose l'obligation de mettre une somme d'argent en dépôt afin de pouvoir rendre la liberté à quelque malheureuse victime d'un trafic réprouvé par l'opinion de l'Europe.

Des extraits de la correspondance officielle se trouvent ci-joints. Leur contenu est fortement recommandé à l'attention sérieuse et éclairée du Ministère Ottoman. Le Soussigné, fort du droit que lui donnent les faits qui s'y trouvent récités, est convaincu que la

Porte se hâtera d'émaner les ordres nécessaires pour faire cesser au plutôt et complètement un état de choses qui ne saurait continuer sans l'exposer à de justes reproches.

STRATFORD DE REDCLIFFE.

No. 236.—*Mr. Bruce to the Earl of Clarendon.*—(Rec. March 3.)

MY LORD,

*Alexandria, February 17, 1856.*

I HAVE the honour to transmit to your Lordship copy of a despatch I have addressed to Her Majesty's Ambassador at Constantinople, on the position of Massowah, and the advantages that would result were the Turkish Government to consent to transfer that port to Abyssinia.

I have, &c.

*The Earl of Clarendon.*

FREDERICK W. A. BRUCE.

(Inclosure.)—*Mr. Bruce to Lord Stratford de Redcliffe.*

(Extract.)

*Alexandria, February 16, 1856.*

YOUR Lordship is no doubt aware of the rise of a remarkable man in Abyssinia, who, under the name of Theodore I, now rules the Abyssinian tribes.

He has, after uniting the different parts of Northern Abyssinia, reduced the King of Shoa to be his tributary, and has compelled the Gallas and the other southern tribes to acknowledge his authority.

He has latterly returned from this expedition, and now, I am informed, professes his intention of seizing Massowah, in order to open a communication for Northern Abyssinia with the Red Sea, and at the same time of wresting from Egypt the Soudan and such other provinces as in ancient times formed part of the Ethiopian monarchy.

On the frontiers of Egypt there is not much to fear. The Viceroy's troops are sufficiently numerous and disciplined to check any approaches of the Abyssinians in that quarter. But in Massowah the case is different. The Turkish garrison is small, and has no footing beyond the island on which the town is situated.

The lowlands between it and the hills of Abyssinia are occupied by predatory tribes, who render the roads unsafe, and by depriving the Governor of the revenue he might derive from commerce, oblige him to connive at the Slave Trade, as the only means of satisfying the demands of his soldiery.

Owing to this necessity, the firmans obtained by your Excellency against the Slave Trade carried on from that port have remained a dead letter, and always will remain so while the position of the Turkish officials at that place is unaltered.

Without speculating on the development of trade to be expected in the Red Sea, should the projected maritime canal be made across the Isthmus of Suez, the railway to Suez, which may

be completed, I think, within a twelvemonth, will lead to attempts at a direct trade with Abyssinia, and as the existing authority at Massowah cannot secure safety to merchants and their goods, the injury caused to commercial interests will call for a change.

The Emperor of Abyssinia is determined to seize Massowah, both on account of its being necessary to the progress of his country, and also because, in the hands of its present rulers, it serves as a deposit for kidnapped Christian children. Being close to his resources, he would be able to subdue the half-civilized tribes who at present intercept all communication between it and the interior, and would render it the highway for the exports of the rich products of the upper country.

A further advantage would ensue were it possible to induce the Sublime Porte to consent to transfer this port to Abyssinia. By giving them access to the Red Sea, the Abyssinians would be brought into contact with civilization. The British Government would be in a position to make its counsels respected, and it would have a right, in consideration of the great service thus rendered through its influence, to insist on the Emperor's acquiescing in the existing limits between his country and Egypt.

I take the liberty of bringing this subject under your Excellency's notice, in case you should think it worthy of consideration.

*Lord Stratford de Redcliffe.*

FREDERICK W. A. BRUCE.

*No. 237.—Mr. Bruce to the Earl of Clarendon.—(Rec. March 19.)*

MY LORD,

*Alexandria, March 2, 1856*

I HAVE to report to your Lordship the final issue of the investigation, which, in obedience to your Lordship's instructions, I demanded as to the conduct of Khosrew Bey in throwing difficulties in the way of the transmission of Mr. Plowden's correspondence from the frontiers of Abyssinia and Egypt.

The Viceroy ordered the Great Council to examine the affair, and I instructed Mr. Messara, my interpreter, to bring the case before them, and to support it by the depositions of several respectable persons, by whom the acts charged against Khosrew Bey were sufficiently proved.

The Council, however, soon showed that their object was not to do justice, but to shield the offender.

They refused to call the witnesses Mr. Messara offered to produce, and drew up a garbled statement of what had taken place during the inquiry. This they forwarded to the Viceroy, giving, as their opinion, that the charges brought against Khosrew Bey were not sufficiently supported, though they shrank from pronouncing his acquittal.

On my complaining to the Viceroy of the conduct of the Council,

he ordered his secretary, Kœnig Bey, to go over the papers, and being satisfied by his report of the truth of Mr. Plowden's complaint, his Highness ordered Khosrew Bey to be imprisoned, and directed that the accompanying letter should be written as a satisfaction to Her Majesty's Government for the improper conduct of the Bey towards Mr. Plowden.

As the Bey has been turned out of the Egyptian service, and the measures indicated in the inclosure will prevent the recurrence of such proceedings, I wrote a reply, in which I ventured to express my conviction that the decision of the Viceroy would be satisfactory to Her Majesty's Government, and in which I left to his Highness to decide for how long a term the arrest should endure.

I have, &c.

*The Earl of Clarendon.*

FREDERICK W. A. BRUCE.

(*Inclosure 1.*)—*Stephan Bey to Mr. Bruce.*

M. L'AGENT ET CONSUL-GENERAL, *Le Caire, le 7 Février, 1856.*

LE Vice-Roi s'étant de nouveau fait rendre compte de la conduite de Khosroof Bey, précédemment Gouverneur de Takka, a reconnu que les faits restés à la charge de ce fonctionnaire, et notamment les actes qui ont motivé la plainte de M. le Consul d'Angleterre en Abyssinie, méritaient une punition plus sévère que la destitution déjà prononcée contre lui. Son Altesse a, par conséquent, jugé convenable d'infliger en outre à Khosroof Bey la peine de l'emprisonnement. Je suis chargé, M. l'Agent et Consul-Général, de vous faire connaître cette décision, qui sera certainement à vos yeux un nouveau témoignage des sentiments de justice dont son Altesse est constamment animée.

Le Vice-Roi ayant du reste à cœur d'assurer la sûreté de la correspondance des Agents Consulaires et des étrangers établis dans le Soudan, a adressé tant au Gouverneur-Général de cette contrée qu'au Gouverneur du Caire l'ordre de prendre toutes les mesures nécessaires pour que les communications avec la capitale et les autres localités aient lieu avec toute la promptitude et toute la sécurité possibles. Son Altesse, M. l'Agent et Consul-Général, se plaît à penser que les dispositions adoptées à cet égard préviendront le retour des abus et irrégularités qui ont donné lieu aux réclamations dont vous avez été l'organe.

Le Vekil du Ministère des Affaires Etrangères,  
Veuillez, &c.

*Hon. F. W. A. Bruce.*

STEPHAN BEY.

(*Inclosure 2.*)—*Mr. Bruce to Stephan Bey.*

M. LE BEY,

*Le Caire, ce 9 Février, 1856.*

J'AI reçu la lettre que vous m'avez fait l'honneur de m'adresser

le 7 du mois actuel, par laquelle vous m'annoncez que son Altesse a prononcé la peine d'emprisonnement contre Khosroof Bey, à cause des actes qui ont motivé la plainte de Mr. Plowden, Consul de Sa Majesté Britannique en Abyssinie, et en même temps vous me faites part des dispositions prises par son Altesse afin que de tels abus n'aient pas lieu dans l'avenir.

Le Gouvernement de Sa Majesté appréciera dûment l'impartialité qui a dicté la décision du Vice-Roi dans cette affaire, et apprendra avec satisfaction que Son Altesse le Vice-Roi a donné les ordres nécessaires pour assurer la prompte et sûre transmission à la capitale des communications dirigées de provinces lointaines.

Je sais, M. le Bey, que les ordres de son Altesse et les principes reconnus de son administration sont les meilleures garanties qu'on puisse avoir contre la répétition de tels actes. Je me rapporte donc entièrement à son Altesse quant à la durée de l'emprisonnement du Bey. Je n'ai nullement l'intention de provoquer une sentence rigoureuse envers un homme qui a souffert la perte de son emploi; mais je crois qu'elle doit être assez forte pour démontrer la détermination de Son Altesse de punir ceux qui sont coupables d'un manque d'égards envers un fonctionnaire de Sa Majesté Britannique.

Veuillez, &c.

*Stephan Bey.*

FREDERICK W. A. BRUCE.

*No. 238.—The Earl of Clarendon to Lord Stratford de Redcliffe.*

MY LORD,

*Paris, March 6, 1856.*

I HAVE received from Her Majesty's Agent and Consul-General in Egypt a copy of his despatch to your Excellency of the 16th ultimo, explaining the grounds on which he considers it is desirable that the Sultan should consent to transfer the port of Massowah to the Government of Abyssinia; and I have to instruct your Excellency to advise the Porte to enter into an arrangement for the transfer of Massowah, which appears to be of no importance to Turkey, and which she will not be able to protect in the event of the operation contemplated by the Rulers of Abyssinia being carried into effect.

I am, &c.

*Lord Stratford de Redcliffe.*

CLARENDON.

*No. 247.—Consul Plowden to the Earl of Clarendon.—(Rec. June 30.)*

MY LORD,

*Gondar, February 17, 1856.*

I HAVE the honour to inform you that I have just received intelligence from Massowah of the revolt of the Naib of Arkeeko against the Turkish rule. He has burnt those villages on the coast whose inhabitants refused to join him, and has withdrawn men and cattle into the Shiho districts; he is followed by some thousands

of armed men, and has established a blockade of Massowah, permitting no one to pass to or from Abyssinia. He has treated Europeans with courtesy, and up to the date of my information, the 28th December, had not touched any of our residences on the mainland.

I have reported to your Lordship more than once the circumstances under which the Turks established a fortress at Arkeeko. It was done by a Governor named Ismail Hakki, about 9 years since, and was an act of arbitrary violence; this occurred under the Egyptian rule. Previous to that time, and while Massowah was subordinate to the Pasha of the Hedjaz, there was a Treaty between the Naibs and the Turkish Government whereby the Island of Massowah only, and the Customs duties on all caravans from Abyssinia, were ceded to the latter.

The Naib was otherwise quite independent on the mainland: he received, moreover, from Djeddah a salary of 12,000 dollars per annum in consideration of his observance of the above Treaty, of his permitting the free transit of fresh water from the mainland to Massowah, and of his swearing allegiance to the Sultan, as the Head of the Mussulman faith.

After the removal of Ismail Hakki, and the restoration of Massowah to the Pashalic of Djeddah in 1848, the Ottoman Government refused to return to the ancient accord, and took advantage of what had been done by Egypt, retained the fortress built at Arkeeko, and refused all payments to the Naib, making use of him only to collect tribute from the different tribes along the coast.

The present Naib, a man of intelligent and resolute character, now demands the restoration of the former Treaty, the demolition of the fortress of Arkeeko, and the annual payment of 12,000 dollars: there is little doubt that he meditates an attack on Massowah; and if the King Theodorus returns from Shoa, will perhaps solicit his powerful aid, and become his liege subject.

This is the state of the case without referring too far back in history, or to those times when Massowah was in possession of the Christian King of Abyssinia.

The Turks having destroyed the power of the Naibs, did not send a sufficient force to rule the tribes along the coast, nor could they have done so without great expense, that could only be repaid by subsequent conquests in Abyssinia. The Abyssinian Chiefs again having abandoned, *de facto*, the coast for 60 or 70 miles from the sea, that territory became a desert, and a scene of disorder and robbery, dangerous to travellers and merchants, unprofitable to its scanty population, and a very difficult anomaly to public officers, as while 3 parties claimed it—the Turks, the Naib, and the Abyssinian Chief of Tigré—no one governed it.



The revolt of the Naib having now forced this question into consequence, the best course must be considered, how should these lawless regions be restored to some wholesome rule, and how, and when, should the British Government interfere to effect this?

As the Ottoman Government in the Red Sea cannot furnish armies large enough to protect commerce or property on the mainland, it should, if it still wishes to retain its hold in this quarter, strictly confine itself to the occupation of the Island of Massowah, fortify it well, and make arrangements for obtaining water by supplies from Dabilec, and by cisterns. Is it worth its while to do so? The Naib can collect 15,000 men in a very difficult mountainous country from which he can at all times completely suppress the Abyssinian trade; if he calls in and obtains the assistance of Tigré, he will have 20,000, and 2,000 matchlocks; if the Abyssinian King returns and claims the Naib as his lieutenant, Massowah in its present state will not hold out a week.

The Ottoman Government, too proud to acknowledge its weakness, refuses to treat with the Abyssinian King on equal footing, pretending to claim a country in which it has never held a foot of ground.

To fortify Massowah will cost money, and to maintain troops there will be expensive; to remain idly at Massowah, the Slave Trade being abolished, and the caravans and supplies from Abyssinia being stopped, must be very unprofitable to the rulers, and very hurtful to our Indian or European traders.

If a large army be sent even to attack the Naib in his hills, the result will be doubtful, the expense great, and a collision with the Abyssinian King almost certain.

There is, then, only one way in which the Turkish Government can retain possession of Massowah--by making a Treaty to that effect with the Sovereign of Abyssinia, who will then force the Naib to observe that Treaty; and even in that case the abolition of the Galla Slave Trade has destroyed half the value of the colony in Turkish eyes: moreover, I do not believe that the present Abyssinian King Theodorus will consent to abandon that island. Even if the Turkish Governor now concludes a peace with the Naib, the King on his return will not ratify it, and will, in his turn, claim the Naib as his subject and Massowah as his right.

Is the Ottoman Government, then, prepared to defend that possession by force of arms, seeing that even if the garrison should repel the Abyssinian attacks, the island will remain in a state of perpetual blockade and a useless incumbrance, unless, in concert with Egypt, a large army be sent to attack in their turn the Abyssinians?

These contingencies it is well now to consider, as the character

of the present Monarch, together with the events now passing on the coast, render them very probable.

I think that we should now in no way interfere until the King returns, when he will probably confer with me on the subject; that in the meantime every man-of-war that may touch at Massowah should receive instructions to observe strict neutrality, and only to protect on board, or in the Island of Massowah, Europeans and their property—instructions to which effect should be sent to the Governor of Aden. The quarrel must not be considered as one between savages and a civilized people, but as one involving future interests, which a false step may seriously complicate.

The Governor of Massowah has already warned the Europeans resident on the mainland that they should retire into the island, and that if they refuse he can no longer hold himself responsible for their safety.

When the Abyssinian King returns—if he consents to receive British Consuls in his dominions, as he has already promised protection to European commerce and travellers—I shall then recommend that arrangements be made for handing Massowah over to him, its possession by the Turks on present terms being nearly useless to themselves, and a mere obstacle to commerce and civilization. The Naib will then, as Chief of those districts on the coast, now in so disgraceful a state, restore order and security; and as responsible to a superior able to exact obedience, will find it his interest to observe our Treaties with that King; unity of interests and Government will be established from the sea to the Gallas; and Abyssinia will be brought directly in contact with Europe; from which we must hope for happy results.

If even on the death of the King, anarchy should ensue, our own power on the coast will protect our subjects and property, without involving, as at present, long and delicate discussions with European Powers; but this theme must be reserved for a future day.

If, on the other hand, the King refuses to receive our officers or our proposals, and haughtily appeals to arms alone as his arbitrator with Egypt and Turkey, it will then be submitted by me as a question for Her Majesty's Government to decide whether we should leave the Contending Parties to measure their respective strength—a struggle which would probably end in the conquest of Abyssinia by the Mahometans; or whether we should restore to the Abyssinian King the territories he demands, and trust to time and conciliation for overcoming his jealousy in respect to foreign Consulates as regards their judicial powers.

If he lives and prospers, I hope that his intelligence will lead him to adopt most of our views cordially; and he is the only man

that will be capable of vanquishing the jealousy and vanity of his subjects.

If he does not return, the question will materially change; no one will be found to replace him; and even Turkish apathy will then be better than Abyssinian misgovernment and cupidity.

To give your Lordship some idea of the daring campaign that the King has made into countries hitherto unknown, and without keeping up his communications, I may mention that we have no message from his camp later than the 23rd of November last, and that few Abyssinians even believe that he will ever return. I need not say how my difficulties are increased by this feeling; but I believe that he will return, and in such manner and so triumphant as to justify my opinion of his character and good fortune.

The tribes on the coast call loudly for me to effect some settlement between the Turks and the Naib; but I consider my more important duty to be here, as my departure would be the signal for revolt, and would enfeeble utterly the remaining partisans of the King: independent of the many difficulties of the road, this alone would decide me to remain. I must not lightly throw away the influence that I have acquired with all tribes and classes from Massowah to the Gallas, which neither the King's absence, nor the conflict of parties, has yet been able to weaken or destroy.

The interruption of communication with Europe, and the cessation of all my supplies, money included, occasion me also no small inconvenience.

I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN.

*No. 248.—Consul Plowden to the Earl of Clarendon.—(Rec. June 30)*

MY LORD,

*Gondar, March 5, 1856.*

I HAVE the honour to inform you that my messenger to the King has returned with letters from him. He had led his army as far as Hurrur, and having vanquished several Galla tribes, took prisoner the son of the late Nagoos of Shoa, with almost all his nobles. He then returned to Shoa, to Ankobar, from whence he writes to me.

The King says that he quite understands the difficulty of my position here; but in reply to my application to retire, if he does not intend soon to return, he urgently requests me to remain at all hazards, as he wishes to confer with me on many important matters. He says that he shall leave Shoa as soon as he has received the remaining revenues; and after punishing the rebels in Godjam, and his own Governors, who have been remiss or faithless, intends to reach Tigré before the rainy season in July.

Respecting the Egyptian frontier, he has requested me to reply,

through the same medium of Her Majesty's Consul-General, in his name, as follows :

"I, the King, am engaged in a distant war. My Governors were left with orders to protect my territories simply, till my return. Till now Ethiopia has been without a Sovereign, but now that by the grace of God I wear the Crown, I shall not depart from those usages that become all Sovereigns. If you receive any further communication from Egypt before my return, refer it to me."

In a private note through Mr. Bell, he says, "Answer for me as you think best for my dignity and your own. I am ready for peace or war."

While conquering Pagan kingdoms, leading his numerous forces safely through regions quite unknown, and changing the laws and institutions of Shoa, this singular man, regardless of rebellion in his rear, or murmurs among his troops, has also dared to commence a total reform in his army, marshalling the soldiers into regiments, appointing officers of different grades, fixing their pay and the number of their private servants, and also mixing up soldiers from several provinces at random in those regiments, thus striking a mighty blow against the feudal system, under which the men clustered round the Chief of their native district, and followed him only in obedience or in revolt.

I am about to write that I shall strive to remain here till June next; though it will be by no means easy to do so unless the King speedily appears.

I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN.

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No. 249.—*Consul Plowden to the Earl of Clarendon.*—(Rec. June 30.)  
MY LORD,

*Gondar, April 22, 1856.*

THE road to and from Massowah having been shut for months past, except for an occasional and well-secreted letter, I have been unable to obtain official writing paper, and must therefore request indulgence for this informality.

I have the honour to inform you, with reference to my last despatch, that the King Theodorus has returned from his conquests in Shoa, and is now in the Province of Godjam, 6 days' journey from this place, where he has requested me to wait for him. He purposes, I believe, to pass the rainy season in Tigré, in which case I shall be able to communicate freely with Europe.

The rebels in Godjam, and all the provinces between Gonda and Shoa, are dispersed or taken, and all is tranquil; but the roads to the north, between this and Massowah, are in a state of wild confusion for the present.

I am advised by my agent at Massowah that the Governor of that place has obtained the aid of Egyptian troops, and not satisfied

according to his orders, I beg to inform you that I protested to this Governor for the violated Amasayn territory, Abyssinia province, by the Egyptian troops.

This Governor considered for nothing my protest, but, after which, the Chief of the Egyptian soldiers, Ali Aga, fearing responsibility, refused for three times the order of this Governor to go to Mensa, Bogos, and Senhait; and so those provinces have been saved till to-day by the invasion of the Egyptians. The chief of the garrison of Massowah refused also the order that he received from this Governor to invade the same Christian provinces.

The commerce of Slave Trade, renewed here on the 24th March past, and more than 300 Gallas slaves have been sold in this market of Massowah, and this Custom-House took his right for them as formerly. This commerce is protected by this Governor Emin Effendi, and by the Chief of the Egyptian troops.

When slavery was prohibited here by the order from the Sultan, all the slaves who remained at Massowah were sold by contraband, protected by this Governor.

I have, &c.

*Hon. F. W. A. Bruce.*

**R. BARRONI.**

*No. 251.—The Earl of Clarendon to Lord Stratford de Redcliffe.*

MY LORD,

*Foreign Office, July 2, 1856.*

I TRANSMIT for your Excellency's information copies of a despatch from Mr. Bruce, and one from Mr. Consul Plowden, respecting the state of affairs in Abyssinia; and I have to instruct your Excellency to remonstrate strongly with the Sublime Porte against the unjustifiable and ill-advised conduct of the Governor of Massowah, in attacking the Christian provinces in Abyssinia, as reported in the inclosed papers.

I am, &c.

*Lord Stratford de Redcliffe.*

**CLARENDON.**

*No. 252.—The Earl of Clarendon to Lord Stratford de Redcliffe.*

MY LORD,

*Foreign Office, July 2, 1856.*

I TRANSMIT for your Excellency's information a copy of a despatch from Mr. Consul Plowden, reporting that the Naib of Arkeeko had revolted against the Turkish rule, and has established a blockade between Massowah and Abyssinia.

I have to instruct your Excellency to speak to the Reis Effendi upon this matter, and to ask him what the views and intentions of the Sublime Porte are with regard to it

I am, &c.

*Lord Stratford de Redcliffe.*

**CLARENDON.**

*No. 253.—The Earl of Clarendon to Consul Plowden.*

SIR,

*Foreign Office, July 3, 1856.*

YOUR despatches to the 22nd December, 1855, and to the 22nd

April of the present year, both inclusive, have been received at this office.

With reference to your despatch of the 17th of February, giving an account of the revolt of the Naib of Arkeeko, I have to acquaint you that your proceedings, as reported in your despatch, are approved by Her Majesty's Government.

I am, &c.

*W. Plowden, Esq.*

CLARENDON.

*No. 259.—Consul Plowden to the Earl of Clarendon.—(Received February 16, 1857.)*

MY LORD,

*Gondar, August 5, 1856.*

SINCE my despatch of the 23rd June, 1856, all communication has been interrupted by a very heavy rainy season and by other dangers.

The King has remained in the ancient castle of Gondar. The south of Abyssinia, as far as Shoa, is tranquil, the north is in the hands of a rebel chief, who has collected a large army in Tigré. As no military movements are possible until October, matters must remain in this position till then, when either the rebels will disperse, or one more battle will decide between anarchy and order—between a vigorous monarchy, or a feudal oligarchy and consequent barbarism.

I see the King frequently. He revolves many plans for reforming the Government that can not yet be executed; he pays me great respect, and firmly intends to send an embassy to England as soon as we arrive in Tigré. I do not press him on the subject of the Consulate, or other Representative here of England, as I see that he is considering the matter seriously, and, I think, favourably, and it is my opinion that he will accede, sooner or later, to all reasonable requests; but it must not be forgotten that he yields in all things to the pressure of reason and not of fear, and that, as an absolute monarch, he has but little to wish for from us. His mind is principally bent on the reform and discipline of his army; in all respects a very remarkable man. Had he means proportionate to his energy and courage, he would do great things.

I think that a Resident without defined judicial powers would more suit his spirit and the constitution of the country than a Consul with such powers as have been accorded to us by Mahometan Princes; and this modification of our proposals would remove a great cause of not unreasonable jealousy.

I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN.

*No. 260.—Consul Plowden to the Earl of Clarendon.—(Received February 16, 1857.)*

(Extract.)

*Gondar, October 5, 1856.*

I HAVE the honour to inform you that the King is still in Gondar

awaiting the fall of the River Takazze; his Ras, or General, has chastised some remaining rebels in Godjam.

Tigré is occupied by Dejaz Negooses, that Chief who last year seized Gondar, taking advantage of the King's absence in Shoa; two-thirds of that province are, however, in the possession of governors sent by the King, under the direction of Dejaz Kassai, the son of Sabagadis, who only await the favourable season and his orders to begin hostile operations.

The King is too much influenced by the Coptic Abbeys and priesthood, but by his general character merits the support of all Europeans interested in the desire to civilise this portion of Africa by fair and gentle means.

The King continues firm in his intention of sending an Embassy to England, and will then probably write his ideas respecting a Consulate or Embassy here, and his modified acceptance of our proposals.

Until the country is entirely submitted to him, it is, as I before wrote, of small importance to secure his agreement to forms; his mind is daily inclining towards us, and he wishes for our assistance to discipline his army, and to introduce reforms into his Government.

I have cast my lot with him, and his very respect and affection for me have created numerous enemies among those who have so long flourished on disorder.

His failure would put an end to all hopes of Europe interfering in Abyssinia, save by the sword.

*The Earl of Clarendon.*

WALTER PLOWDEN.

No. 261.—*Mr. Hammond to Consul Plowden.*

Sir,

*Foreign Office, February 23, 1857.*

I AM directed by the Earl of Clarendon to convey to you his Lordship's approval of the line of conduct which you have pursued with regard to the present state of affairs in Abyssinia, as reported in your despatch of the 5th of October last.

I am, &c.

*W. Plowden, Esq.*

E HAMMOND.

No 265 —*Consul Plowden to the Earl of Clarendon.*—(*Received March 2, 1857.*)

MY LORD,

*Emfras, November 12, 1856.*

ON the receipt of your Lordship's despatch of the 27th November, 1855, I immediately placed a translation of it in the hands of the King, and requested from him a written answer to your proposals; I had also a long interview with him, in which I distinctly



laid before him the consequences of a quarrel with Egypt, and how embarrassing it would be for the English Government to receive an Embassy from him, if he persists in hostile intentions.

A day or two afterwards he sent me for perusal the draft of a letter that he intended to write on these subjects; the substance of which was "That he had hitherto given no provocation to Egypt, and that, while he reserved to himself the right to demand hereafter certain territories, gradually wrested from Abyssinia during the reigns of feeble princes, or the extinction of all responsible government, he promised to take no steps of a hostile nature until he should receive our reply."

The King further said, that he trusted in God, who had raised him to the throne of his ancestors from nothing, and not in man and that he did not wish to demand anything that he could not establish a right to, as belonging to his realm.

I cannot write decisively to your Lordship until I obtain the King's formal letter. It is my private opinion that he demands the Arab country on his northern frontier as far as the village of Sennaar, also Massowah, and the high lands of Bogos, Mensa, Halhal, the Hababs, &c., all of which tribes still speak the Abyssinian language; for the rest, that he values our friendship as far as we may assist him with arms and discipline, to subdue the Gallas and other savage nations to the south; and with artisans and engineers to improve and develop the resources of his country; by which means he hopes to become strong enough to consolidate a kingdom, long enfeebled by misrule and ignorance; and to leave the succession to his son. He may even ask us to guarantee that succession.

The King expresses much hesitation as to writing at all, until at least he shall have subdued the remaining rebels in Tigré; saying with that frankness that is his characteristic, that it would be a falsehood to style himself a King while any one so near disputes his authority, and while he cannot afford us an efficient and extended protection.

One thing is evident, that unless we do assist him to consolidate his power, all our steps are useless; as his death will otherwise be the signal for confusion, and worse.

Should we not in some measure meet his wishes, he will probably say that as our friendship offers him no advantage, so, he will not seek for it.

The question of the passage of the Embassy through Egypt, cannot be settled until I can obtain the King's letter, and forward it through Her Majesty's Consul-General.

I hear that the Patriarch of Alexandria is shortly expected in this country, *via* Khartoom; his advice will be received by the

King with the greatest deference, and much good or harm may result from his suggestions.

This is the first patriarchal visit in the history of the country, and may have important results. I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN.

*No. 266.—The Earl of Clarendon to Consul Plowden.*

SIR,

*Foreign Office, March 3, 1857.*

YOUR despatches to the 12th November last have been received and laid before the Queen.

With reference to the intimation contained in your despatch of the 5th of August last, that the King of Abyssinia would be more likely to listen to the proposals of the British Government if the proposition for conferring defined judicial powers on the British Resident in Abyssinia were withdrawn, I have to state to you that if the King cannot be brought to recognize the Treaty concluded between you and the Ras Ali on the 2nd of November, 1849, on the ground that it confers judicial powers on Her Majesty's Consul, it may be as well to give up those powers; but you should remind the King that good faith should prevent his repudiation of that Treaty, and you should state to His Majesty that if he objects to any of its provisions he should propose modifications.

I am, &c.

*W. Plowden, Esq.*

CLARENDON.

*No. 267.—The Earl of Clarendon to Consul Plowden.*

SIR,

*Foreign Office, March 4, 1857.*

WITH reference to the contents of your despatch of the 12th of November last, I have to observe to you that you will have no difficulty in demonstrating to the King of Abyssinia that England cannot assist His Majesty with an armed force, but Her Majesty's Government wish to know confidentially from you in what manner they could prove their good-will towards the King, and aid him in the work of reform which he has begun. I am, &c.

*W. Plowden, Esq.*

CLARENDON.

*No. 269.—Consul Plowden to the Earl of Clarendon —(Rec. May 18.)*

MY LORD,

*Debra Tabor, January 15, 1857.*

I HAVE the hon ur to inform you that the Patriarch of Egypt arrived here, and was received with much ceremony by the King, on the 27th of December last; for a fortnight all was apparent harmony, but I saw well that much distrust existed in the King's mind respecting this visit.

The Patriarch had no letters for me, nor did he admit me into his councils; he even went so far as to recommend His Majesty to

dismiss Mr. Bell and myself from his country : this was his first indiscretion.

A deep hatred had long existed between the Coptic Aboona Salama and the King, the former being too imperious and unbending to suit a monarch who exacts implicit submission from all ; and the King had even openly accused the Bishop of aiming at sovereign authority. On the arrival of the Patriarch, the Aboona was imprudent enough to demand liberty for the King's numerous political prisoners, at a moment when half of Abyssinia is still in arms against him.

The Patriarch brought rich presents : a diamond cross, apparently some Turkish order ; a thousand sequins, with which he requested the King to make a crown for himself, and other costly articles. Instead of in some measure accommodating himself to the material forms of Abyssinian worship, he spoke slightly of their reverence for the Cross, of their prostrations to the Church, and of their saints and holidays ; he pressed the King constantly to review his troops, and after a stay of only a week, he began to insist on returning to Cairo.

The King, who hates the name of Mahomet, and is a man of fervent, even fanatic, religious temperament, had expected to see in a Patriarch the Representative of Christ upon earth, one with his ideas wholly bent on religious matters, who would bless his efforts to extirpate Paganism and Islamism, and give spiritual counsels to himself and his subjects.

In proportion to the shock his sensitive mind received, distrust took the place of reverence, and he at last conceived the idea that the Holy Father had become a partial Mussulman, that his views were to inspect the King's weakness, that the crown or mitre was to be a token of fealty to the Viceroy of Egypt, that the diamond cross was to be worn by him as a mark of submission to that Pasha, and that the Patriarch was, in fact, the emissary of the Viceroy, with a view to the subjection of Abyssinia to the Mahometans.

Whilst the King was secretly revolving these suspicions, the Patriarch and the Aboona in concert took a step that confirmed them all to his jealous mind, and set in a blaze the smouldering fire—they wrote the draft of a letter that the King should address to Seyd Pasha, the contents being briefly as follows :—“ That the King was to send him 40 mules for his artillery, and in return prayed the Viceroy to send all the Coptic soldiers in his service, 3 Turkish officers to discipline the Abyssinian troops, regimental bands, pioneers, sappers, engineers, bakers, doctors and medicines, cannons, and muskets.” In this letter, moreover, the King addressed Seyd Pasha as an inferior addresses his superior. News at this moment also reached the King from the frontier Arabs that

camels were collecting, that Turkish troops were advancing, and warning him that the Patriarch was an emissary of Egypt; the messenger even hinted at danger from poison.

The King, comparing all this with his crude distrust, at once declared that the Aboona Salama wished to bring soldiers of his nation to usurp his throne, and that the Patriarch was a Mahometan who had engaged to deliver Abyssinia to Seyd Pasha. He had the letter publicly read; he stormed against the Turks, and ordered that the Bishops should be confined to their house and guarded, putting all their property under seal. It was in vain they represented that the phrase about the Coptic soldiers was an error in translating from the Arabic, and that they only wished to assist him in civilizing Abyssinia; the King had made up his mind, and declared that he would never permit the Patriarch to return as a Mussulman subject, and that Seyd Pasha might, if he liked, come and seek his messenger here.

By some good fortune, in the midst of this storm, the King preserved his respect and kindness towards me and other English here; but his suspicions being now fully roused, my position was too delicate to permit of open remonstrance. I, however, moderated the anger of both parties with a view to future reconciliation.

Mr. Bell and myself had nearly, I believe, succeeded in eradicating from the King's mind distrust of the English: he spoke his inmost thoughts to us; he called us his children; he purposed to send an embassy shortly to England; to write a peaceful and honourable letter to Egypt, and to accept, if not a Consul, something very similar.

It is evident that hopes of an accommodation with Egypt are become more uncertain; and, according to my instructions, without it no embassy can be received from Abyssinia; the King will, in that case, not accept any foreign emissary.

He states that he shall send letters to all the Christian Courts, explaining his conduct with regard to the Patriarch, and it would be desirable that we should bear them; but his mind is just now in so inflammable a state that I shall let the proposition emanate from himself.

Whether the Copts entertained ambitious views or not, I shall not pretend to say with any certainty; I think that the Patriarch is innocent of anything but the ambition of civilizing Abyssinia by himself, thereby to extend the power and limits of his diocese; the Aboona Salama has certainly always feared and disliked the King, and I believe, from some disclosures made by the Patriarch himself, that Seyd Pasha or his advisers had made him their tool to obtain a gradual influence in Abyssinia, thus, at least, to exclude Europeans, and trusting to accident for some pretext of future interference.

Whilst the King, on the one hand, vituperates the Patriarch, he thinks that his reign is specially blessed by the visit, for whatever purpose, and wishes at all risks to keep him.

It would scarcely be a misfortune should a quarrel with a powerful people show the Abyssinians their own weakness, and thus induce them to seek earnestly and more humbly for the friendship and support of their fellow-Christians in Europe; my mission will at least have had this good effect, that they will turn naturally to England for sympathy.

I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN.

*No. 270.—Consul Plowden to the Earl of Clarendon.—(Rec. May 18.)*

MY LORD,

*Debra Tabor, January 17, 1857.*

I HAVE the honour to inform you that the King and the Patriarch have been reconciled with much ceremony, and sworn to peace and friendship; the Patriarch is to return to Egypt.

The King does not the less believe that Seyd Pasha had some secret end to gain by the message; but whatever may be his future intentions with respect to the religion of Mohammed, his frontier questions, and his views of extended empire, I dare say that he will write now a conciliatory letter to the Viceroy.

I trust soon to obtain the King's formal reply to your Lordship's despatch on this subject.

Should his present avowed and written intentions be peaceable, I shall not consider myself entitled to pry too closely into his future plans; the rather, that while our assistance can aid him to vanquish all his foes here, and to consolidate his Government, it can hardly enable him to do any material damage to Egypt during this generation at all events, and the lapse of time may moderate his crusading spirit.

I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN.

*No. 271.—Consul Plowden to the Earl of Clarendon.—(Rec. May 18.)*

MY LORD,

*Wuns Aggee, February 5, 1857.*

SINCE my last letter the King called me privately and gave me the reason for his apparent indecision with regard to his answer to England, and respecting arrangements with Egypt.

He said that he had received sure information from the Arabs under Abyssinian protection, that the Egyptians in Sennaar were preparing a force on a large scale, for the purpose of invading the Abyssinian territory, and that thousands of camels were being everywhere pressed for the service. He continued, "You see my difficulties, and that these movements are concerted with the Mohammedan Gallas, and I must first play a game with these latter

to prevent their joining the Turks, then suddenly fall upon the rebels in Tigré, and, having disposed of them, return to meet the Egyptian troops advancing on my frontier. How can I send friendly propositions to Egypt, when Seyd Pasha, under the cloak of amity, proffered by the mouth of the Patriarch, is thus veiling designs of conquest? I had," he said, "intended to send to you a letter declaring that which is the truth, that I had no intention of attacking the Egyptian territory, and at most should, perhaps, many years hence, have demanded some provinces unfairly wrested from Abyssinia." On Mr. Bell proposing that he should now send to England as his friend—"What!" he said, with indignation, "do you suppose me capable of fear, or that I will send at such a moment?" He added, that the Sultan had approved of Seyd Pasha's proceeding. I myself replied that I did not believe that the Viceroy would ever become the aggressor in the face of our protests, and while negotiations with England were yet pending. "Well," he said, "we will talk further of it in a few days; for your person," he said, "if man can do it, I will place you in safety at Massowah."

The King before he heard this news was on the point of sending a friendly message to the Viceroy.

Now, my own opinion is that, if armaments are being collected in Sennsar, it is for the purpose of attacking, under some pretence, those Arabs to the south of that province, who are, and always have been, *protégés* of the Abyssinian rulers, and with the present undecided frontier rights this must lead to a collision in which the Egyptian Government will be wrong, first, as proceeding beyond its present actual limits without consulting its European allies; and, secondly, even if aggrieved by Abyssinian subjects, in attacking them without due notice to the King, who is not a man to be treated as a barbarian.

Fasogli, where the Egyptians are now building a strong fort, was an Abyssinian possession at the time when Mr. Bruce visited Gondar, and it is certain that their designs on Abyssinia are as constant, however veiled, as those of Russia on Constantinople.

I may be wrong in my surmise, but I trust that Her Majesty's Consul-General in Egypt will be instructed to watch over these or similar movements; and I shall say that I think it will be time enough to abandon the cause of Abyssinia when the King shall have placed himself in a false position, either by finally refusing our alliance, or at least by some overt and unprovoked act of hostility, which cannot at present be in any way attributed to him.

While I regret the delay that has taken place in these negotiations, it is gratifying to find that nothing has shaken the King's

confidence in English amity, or in me as its representative. Should any attack take place on the Abyssinian territory at present it will add to my embarrassments, but I shall not be able to attribute any fault to myself, whatever may ensue.

The Arabs attached to the two sovereignties have been accustomed for centuries to wage war with each other, and those on the Egyptian side have not abandoned their feuds, more than their Abyssinian brethren, but this cannot be fairly construed into a *casus belli*. If the Viceroy of Egypt be aggrieved, he should lay those grievances before the world, and should equally demand redress of his aggressor, and receive his answer before entering upon hostilities.

If Abyssinia, still suffering from domestic feuds and distractions, is attacked by a powerful foreign enemy, the King, who is making a noble effort to restore it to the rank of a nation, will be forced from his difficult policy at home, to die uselessly in combats where his great daring cannot enable him to encounter discipline and resources.

I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN.

No. 272.—*Mr. Bruce to the Earl of Clarendon.*—(Rec. May 18.)

MY LORD,

*Alexandria, April 29, 1857.*

I HAVE the honour to transmit to your Lordship copy of a note I addressed to His Highness the Viceroy on receipt of Mr. Plowden's despatches herewith inclosed.

In the interview I had two days ago with His Highness, he alluded to the probability of a conflict between him and Abyssinia, and I warned him against any step which might be considered as other than a measure of self-defence. I have thought it advisable, however, to send him the inclosed note, in order that he may be under no mis-apprehension as to the opinions of Her Majesty's Government on the relations between Abyssinia and Egypt.

I have, &c.

*The Earl of Clarendon.*

FREDERICK W. A. BRUCE.

P.S.—In reply to my letter, the Viceroy has sent to assure me that the reports alluded to in Mr. Plowden's despatches are unfounded; that he had made some preparations, called for by disturbances in Cordofan, but had no intention of molesting Abyssinia.

This is, I think, correct, for Said Pasha has very few troops in Soudan compared with the force kept in the times of Mohammed Ali and Abbas Pasha.



I shall convey to Mr. Plowden the substance of the Viceroy's message to me.

F. W. A. B.

(*Inclosure.*)—*Mr. Bruce to Kænig Bey.*

M. LE BEY,

*Alexandrie, le 29 Avril, 1857.*

Je viens de recevoir à l'instant des renseignements positifs de l'Abyssinie qui m'annoncent que le Roi de ces pays se croit sérieusement menacé d'une invasion du côté de l'Egypte, à cause des préparatifs belliqueux qui se font sur la frontière du Senaar. Ces informations, bien ou mal fondées, lui sont arrivées au moment qu'il se disposait à entrer en relations d'amitié avec son Altesse le Viceroy, qui auraient eu le bon résultat d'empêcher une guerre sur les frontières, où la délimitation entre les deux pays est très incertaine, et où l'état des populations fournira toujours des prétextes d'hostilités s'il n'existe pas une bonne intelligence entre les deux Gouvernements.

Je le dois à la confiance avec laquelle Son Altesse m'a toujours traitée de lui exposer nettement les sentiments du Gouvernement de Sa Majesté Britannique sur les rapports qu'il désire voir établis entre l'Egypte et l'Abyssinie. D'un côté, il a fait entendre au Roi théodore que, s'il veut conserver l'amitié de l'Angleterre, il doit respecter le territoire de l'Egypte, qui fait partie de l'Empire Ottoman, son ancien allié. De l'autre côté, il est résolu à ne pas souffrir qu'on porte atteinte à l'indépendance de l'Abyssinie.

Le Gouvernement de Sa Majesté est bien informé sur l'état de choses qui existe depuis longtemps sur la frontière, et il serait très heureux de contribuer par tous ses efforts à éviter, par un accord amical, les embarras qui naissent de l'incertitude où on en est à l'égard des limites des deux pays. Mais il verrait avec un déplaisir extrême qu'on cherche un prétexte, dans les disputes partielles qui résultent nécessairement de cet état de choses, pour une invasion hostile, et il ne manquerait pas d'en faire retomber la responsabilité sur celui qui en est véritablement l'auteur.

Je conseille fortement Son Altesse d'agir avec beaucoup de prudence dans cette affaire, et de ne pas changer les relations qui ont existé depuis assez longtemps entre les tribus là-bas et les deux Gouvernements.

Je vous prie de soumettre cette note à la considération de Son Altesse sans délai. Je m'estimerais heureux de pouvoir contribuer à la conservation de la paix entre l'Egypte et l'Abyssinie.

Agréez, &c.

*Kænig Bey*

FREDERICK W. A. BRUCE

*No. 273.—The Earl of Clarendon to Mr. Green.*

SIR,

*Foreign Office, May 19, 1857.*

I HAVE to state to you that I approve of the note addressed to the Viceroy of Egypt by Mr. Bruce, on the subject of the affairs of Abyssinia, and of which a copy is inclosed in his despatch of the 29th ultimo, and I have to instruct you to use your best efforts for the promotion of peaceful relations between Egypt and Abyssinia.

I am, &amp;c.

*John Green, Esq.*

CLARENDON.

*No. 274.—The Earl of Clarendon to Consul Plowden.*

SIR,

*Foreign Office, May 22, 1857.*

I HAVE received your despatches dated respectively the 15th and 17th of January and the 5th of February, reporting the visit of the Patriarch of Egypt to the King of Abyssinia, and the distrust entertained by the King of the aggressive views of the Pasha of Egypt; and I have to state to you that I approve of your proceedings with a view to allay the excitement produced in the King's mind by the supposed objects of the Patriarch's visit; and you will assure him of the friendly feelings of Her Majesty's Government towards him, and of their desire for his welfare.

I am, &amp;c.

*W. Plowden, Esq.*

CLARENDON.

*No. 276.—Consul Plowden to the Earl of Clarendon.—(Rec. June 29.)*

MY LORD,

*Dembea, April 2, 1857.*

SINCE the date of my despatch of February 5, I accompanied the King on a secret and rapid expedition that he made against the Wolla and Worrahimano Gallas, entirely without baggage or incumbrance.

With his usual success, in the short space of a fortnight, he expelled all his enemies, appointed Governors, and took fortresses without firing a shot; and in 3 weeks from starting he returned to his camp in Begender.

The King is thus strengthening his power to the south, and I fully believe that his remaining enemy in Tigré will be disposed of in the same manner as soon as his steps shall be turned that way; this I trust may take place in June at latest, when his single rule will afford some hope of dealing with Abyssinia as a kingdom.

On the King's return he told me to repose for awhile at Gondar; and as I had repeatedly pressed him on the subject of an answer to your Lordship's letter, as referred to in my despatch of the 12th November, 1856, at my last interview he spoke to me as follows:

“I will not, and I cannot give a written reply as a King till these rebellions are settled, and till it shall be manifest that I am

chosen as ruler over this people; for yourself you cannot doubt of my friendship; and, excepting that I will not receive a Consul—an appointment foreign to the institutions of my nation—of my friendship for your Queen, to whom I trust in due time to send an Embassy with you.

"You say that you will be considered perhaps in fault for the long delay since my return from Shoa; say from me—and your words should be as credible as my written letter at present—that I could not hitherto send you with any assurance of safety, as my enemies have become your enemies; and, moreover, that I have detained you as the trustworthy officer of a great Power, to witness the issue of these events by God's help, not far distant, and to see whether my Saviour has truly ordained me shepherd of these realms.

"But, after all," he said, "Kings and Queens are to me but of little moment, and had I not loved and trusted you personally, I should long since have sent you to your country."

"For the Turks," he said, "if they attack me, perhaps Heaven will bless our arms against the infidels; if not, at least, we know how to die in our saddles."

I must now wait the issue of events, and trust that the King's presence in Tigré may settle the complicated struggles of Abyssinia, and enable me to write a decisive letter regarding his message to England.

That he should heartily enter into friendly terms with Seyd Pasha I hope, but I fear that our negotiations will, on that point, receive a temporary check, but by no means, I trust, a final one, some objects being nearly gained—namely, one Sovereign in Abyssinia, and a partial recognition that other nations exist and are of value besides Abyssinia; to which recognition jealousy, ignorance, and fear have hitherto been an insurmountable barrier.

I have, &c.

*The Earl of Clarendon*

WALTER PLOWDEN.

*No. 277.—Consul Plowden to the Earl of Clarendon.—(Rec. Aug. 5.)*

MY LORD,

*Dembea, May 20, 1857*

SINCE the date of my despatch of the 2nd April, 1857, the King has been still engaged in pursuing the rebels, and establishing more firmly his Governors in the Galla province of Worrahaimano.

As he never communicates his plans to any one, I cannot say if he proposes to cross the River Takazze into Tigré this year.

Whatever may be my impatience to see the end of these struggles, and thereafter to be able to define clearly the King's views with respect to European connection, I cannot but confess

that he is taking the right road to empire, by crushing insurrection in his rear and on his flanks, and thus gradually concentrating his whole force on the principal rebel who occupies Tigré.

The King looks forward to wide and undisputed dominion; to the foundation of a lineal and enduring dynasty. It requires these lofty ideas, the persuasion of a religious mission, and the firmness of an extraordinary character to enable him to pursue his way unshaken by entreaties, by scoffs, by misfortunes, or by treasons; seeking for no assistance, curbing a mutinous soldiery, and never revealing his designs till the moment of their accomplishment.

If he does not cross the Tigré this year I am persuaded that he will take such measures during the rainy season that little will be left to do when the river becomes passable. In the meantime I see nothing left for myself but patience; and I trust that Her Majesty's Government will approve of my staying while there is a chance of success.

After the King's occupation of Tigré he will assuredly give a distinct answer to our proposals; and if, as I expect, he then sends an Embassy to England, it will be time enough to examine the value of his alliance, the prospects of its continuance, the dangers of a disputed succession, and the proper style and office of a British Representative here, if appointed.

Perhaps his refusal to come to a friendly understanding with Egypt and Turkey will then put an end to my efforts, until contact with a civilized Power shall have enlightened a mind abounding in natural vigour, but uncultivated. I have exhausted every effort to make him give me a decisive answer on this point at once, without success; I see, therefore, no resource in this course also but to wait till the completion of his conquest shall thaw this obstinate silence.

If, however, your Lordship, after perusing my despatches on this subject, thinks that I should rather demand an immediate answer, or permission to quit his territory, I am prepared to do so, though risking something with a despotic and fearless monarch. His most favourable answer is not doubtful—he will at once politely dismiss me.

I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN.

*No. 278.—Mr. Hammond to Consul Plowden.*

SIR,

*Foreign Office, August 7, 1857.*

I AM directed by the Earl of Clarendon to acknowledge the receipt of your despatch of the 20th of May; and to acquaint you, in reply, that his Lordship entirely approves of your intention,

under the circumstances stated in your despatch, to remain for the present with the king.

I am, &c.

W. Plowden, Esq.

E. HAMMOND.

No. 279.—*Consul Plowden to the Earl of Clarendon.*—(Received April 2, 1858.)

MY LORD,

Dembea, September 7, 1857.

I HAVE the honour to acknowledge the receipt of two despatches from your Lordship, dated the 23rd February and the 3rd March last, referring to my suggestion as to the withdrawal of our proposal for Consular jurisdiction, and directing me, under certain circumstances, not to insist upon this clause as embodied in our former Treaty with the Ras Ali.

I have to state that I do not think it advisable to refer to this or any other matter connected with a Treaty, until such time as the King shall have completed his conquest of Abyssinia by the dispersion of the rebels in Tigré, and the occupation of that province; but that I shall bear in mind my instructions, and allude to this subject when, after the accomplishment of those projects, the King shall bring on the *tapis* his idea of an Embassy to England, and consequently his proposals with respect to his relations with Egypt—points on which both my instructions and our future relations with Abyssinia more immediately turn.

I have, &c.

The Earl of Clarendon.

WALTER PLOWDEN.

No. 283.—*Consul Plowden to the Earl of Clarendon.*—(Received April 2, 1858.)

MY LORD,

Debra Tabor, November 22, 1857

I HAVE the honour to inform you that the Patriarch of Alexandria has taken leave of the King to return to Egypt; the King has given him a large quantity of ivory for himself, and he is, moreover, the bearer of a letter to the Viceroy of a pacific and friendly tenor, accompanied by a present of horses and mules, in charge of two envoys.

The Patriarch has engaged, I believe, that the Viceroy shall in return send arms and cannons to the King, however this may be, I have no doubt that the mission will be politely received and answered; thus the obstacle foreseen by your Lordship to the transit through Egypt of a Mission from the King to Great Britain will be removed completely.

While for this reason Her Majesty's Consul-General will doubtless further the chances of a friendly reception in behalf of the King's emissaries, I must, at the same time, inform your Lordship

that the Patriarch has not shown the liberal spirit that might have been expected from one bred so near the influence of civilization. Misled, doubtless, by the Bishop, Aboona Salama, they both strove to impress the King's mind with a jealous fear of all Europeans, wishing that the Copts alone should have access to this country. The Aboona even went so far as to state plainly to the King that the English only sought his friendship to undermine his power and conquer his country. Your Lordship may imagine the effect of two such authorities combined upon a mind which, though intelligent, is fanatically religious, and already impregnated with traditional jealousy of Europeans, and the additional difficulties thus thrown in my way.

As, however, so crooked a policy is foreign both to my nature and to the principles of the English Government, I did my best to secure for the Patriarch a safe return to his country, at one time doubtful, and to induce the King to send a friendly Embassy to the Viceroy.

I have, &c.

*The Earl of Clarendon.*

WALTER PLOWDEN.

No. 284.—*Consul Plowden to the Earl of Clarendon.*—(Received April 2, 1858.)

(Extract.)

*Debra Tabor, November 25, 1857.*

I HAVE the honour to inclose a letter from the King addressed to Her Majesty, with a translation, wherein he states his intention, as soon as his present embarrassments shall be somewhat settled, of sending an Embassy to England.

In this letter he carefully avoids calling me Consul, and he addresses Her Majesty in the most respectful idiom afforded by the Abyssinian language, and even as his superior, a consideration which he would, perhaps, show to no other person in the world.

His word thus pledged he is certain to fulfil, and I wait, therefore, as long as my precarious state of health will permit me, in hopes of bringing to your Lordship the news of the complete submission of Abyssinia, and to escort his Ambassadors.

He will send in the most friendly spirit, and we must see what effect our answer produces on his mind; he will give a friendly reception and protection to our travellers and merchants, but I do not believe that he will ever consent to the residence of Consuls here, or to the planting of a flag in any part of his dominions.

The manly pride of his character, that will not risk the loss of an iota of his dignity, may be seen in his present letter; as, while surrounded by harassing enemies and endless difficulties, and scarcely yet believing that the Viceroy of Egypt is sincere in his friendly declarations, he still scorns to request our assistance, or to place himself under an obligation.

His disdain of wealth or gain is the more remarkable in a country where all, from high to low, are beggars.

In reply to my inquiry, "in what manner we could prove our friendship," he would say nothing; but I would suggest that Her Majesty's Government send to Massowah at once 200 or 300 percussion muskets of the old pattern, not now in use, with a quantity of caps to match, for his soldiers, and one handsome piece for his own use, with 50 lbs. of good powder, and some thousand caps, as an earnest of our intentions.

He is a man worth supporting, in my opinion, and his character, though jealous, affords the only chance of dealing peacefully with Abyssinia.

The arms, if sent, should be addressed to the King of Abyssinia, and care must be taken that no delay be caused by the Turkish authorities at Massowah, when the proper moment shall arrive for me to present them.

If any accident happens to the King, the gifts can be sold and the money replaced.

I make this suggestion, inasmuch as the King will value this mark of consideration the more coming at a moment of difficulty, and will regard it as a sign of true and disinterested friendship; nevertheless it must remain for your Lordship's consideration, whether there is sufficient reason for the step. The King knows nothing of my intention to propose it.

*The Earl of Clarendon.*

WALTER PLOWDEN.

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(Inclosure.)—*King Theodore to Her Majesty the Queen.*

(Translation.)

THIS letter from Theodorus, King of Kings, of Ethiopia, is sent to the Queen of England, Victoria; may your health be preserved as well as mine is; praise be to God.

I have received and entertained Mr. Plowden, as your Ambassador, in a spirit of friendship and goodwill.

I have not sent him to you till now, owing to my constant campaigns and embarrassments.

You and I are both the children of Christ, in whose name also I seek your friendship.

Now, therefore, if shortly by His power I am successful and fortunate, I shall send to you Mr. Plowden, accompanied by other Ambassadors of dignity, with the news of my fortunes and success, that so our pleasure therein may be mutual.

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*No. 285.—The Earl of Malmesbury to Consul Plowden.*

SIR,

*Foreign Office, April 8, 1858.*

IN answer to your despatch of the 25th of November last,



which was received at this office on the 2nd instant, I have to acquaint you that Her Majesty's Government would be glad to do anything to testify their good-will towards the King of Abyssinia, and that they are disposed to carry into effect your recommendation as to the present to be sent to His Majesty. But Her Majesty's Government wish to be informed in what manner you propose that the present in question should be sent on from Massowah, in order to ensure its safe delivery. I am, &c.

*W. Plowden, Esq.*

MALMESBURY.

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*No. 290.—Consul Plowden to the Earl of Malmesbury.—(Received April 13, 1859.)*

MY LORD,

*Wadla, November 20, 1858.*

I HAVE the honour to inform you that I hear from sources which, though not official, are entitled to consideration, that Seyd Pasha has determined on sending an army to Abyssinia for its subjugation, and is reported to have said that no Sovereign should dictate to him on this point.

I cannot believe that such a course could be contemplated without its being heard of by Her Majesty's Representative in Egypt; still less that it should not have been at once officially communicated to me: and least of all, that it should ever be carried into execution.

The British Government has repeatedly stated that it is determined to assert the independence of Abyssinia; and the last letter I received from the Consul-General conveyed the distinct assurance of Seyd Pasha that hostile movements against Abyssinia were the very farthest from his mind. These assurances I officially laid before the King.

As, however, it is just possible that Her Majesty's Consul-General may be blinded by a statement that these military movements have another destination, and as my great distance precludes the chance of rapid information, and makes me cautious, as much mischief may be done during the delay of my letters that no subsequent exertions can remedy, I have no doubt that a vigorous watch will be ordered to be kept over all movements of the Egyptian troops.

If Seyd Pasha has such an intention, it is certain that no overt act of hostility on the part of the King can be alleged as a pretext for the invasion; I can only attribute it to his having formed an idea that the King's ambition and energy, with the possibility of our friendly assistance to him in organizing his Government, may at some future day render him a formidable enemy. But the Viceroy is surely strong enough to abide the provocation that will render him blameless in the eyes of Europe.

As far as England is concerned, I think it would be an excellent

thing to have in this part of Africa a Christian Sovereign, powerful and friendly; and I only wait the moment when the King shall have triumphed absolutely over his foes here, and shall send an Embassy to England, to propose our formal acknowledgment of his sway, and our intention to support it within all reasonable limits.

Should he hereafter refuse to meet our friendly proposals, and attempt to exclude us from his country, it will then be expedient perhaps that the Viceroy of Egypt should show him the power of discipline and the resources of civilization, thereby compelling him to have recourse to the friendly mediation of allies; but this can only be politic when Abyssinia is completely submitted to him,—otherwise with many chiefs no clear or decisive negotiation can be entered into.

It is evident that should such a blow be given to his yet infant authority it cannot resist the shock, and Egypt must then possess Abyssinia as the lesser evil.

I doubt not, supposing the attack, that the King, embarrassed as he is by numerous and powerful foes, will still make a gallant stand. It is, however, better that at present he should not be exposed to this great, perhaps fatal, trial. I have, &c.

*The Earl of Malmesbury.*

WALTER PLOWDEN.

*No. 292.—Sir H. Bulwer to the Earl of Malmesbury.—(Recd. May 21.)*

MY LORD,

*Constantinople, May 11, 1859.*

IN pursuance of your Lordship's instruction of the 18th ultimo, I have inquired of Fuad Pasha whether he had heard of anything of an intention attributed to the Pasha of Egypt of attacking Abyssinia, as stated in Consul Plowden's report of November last. His Excellency informs me in reply that the Porte had no knowledge of any such intention on the part of Seyd Pasha, and that he thought there was no foundation for Mr. Plowden's alarm. I shall, however, insist upon distinct orders being sent to the Viceroy to abstain from any hostile aggressions in that quarter.

I have, &c.

*The Earl of Malmesbury.*

HENRY L. BULWER.

*No. 293.—Mr. Hammond to Consul Plowden.*

SIR,

*Foreign Office, May 31, 1859.*

The Earl of Malmesbury has received, and has referred for the consideration of Secretary Major-General Peel, your despatch of the 15th of November last, suggesting that it would be an acceptable present to the King of Abyssinia if a certain number of muskets for the use of his soldiers, and a handsome piece for the King's own use, with 50 pounds of powder, were to be sent to him from England.

In reply, I am directed by Lord Malmesbury to acquaint you that Her Majesty's Government do not consider it advisable, under present circumstances, to issue muskets of any description from Her Majesty's stores; but that an ornamented rifle, with a proportion of ammunition, has been prepared for the King of Abyssinia's personal use, which will be forwarded to Aden to await your further directions.

I am, &c.

*W. Plowden, Esq.*

E. HAMMOND.

*No. 295.—Consul Plowden to the Earl of Malmesbury.—(Rec. July 23.)*

MY LORD,

*Camp, Ein Amba, February 2, 1859.*

WITH reference to my despatch of the 20th November, 1858, I have now the honour to inform you that the Viceroy of Egypt has sent an Ambassador to the King with rich presents.

The Embassy has arrived in the Abyssinian territory. As he has sent with other things 4 pieces of cannon, I must conclude that I was misinformed, and that the Viceroy has no hostile feeling towards this country.

The King's mind may perhaps now become convinced that the Egyptians are not his natural enemies.

I have, &c.

*The Earl of Malmesbury.*

WALTER PLOWDEN.

*No. 300.—Mr. Hammond to Consul Plowden.*

SIR,

*Foreign Office, July 30, 1859.*

WITH reference to my despatch of the 31st of May last, I am directed by Lord John Russell to inform you that the ornamental rifle intended as a present from Her Majesty's Government to the King of Abyssinia has been forwarded to you by way of Suez, but that Lord John Russell has, upon consideration, deemed it inadvisable to give directions for the transmission of the intended supply of gunpowder, as there appears to be considerable difficulty in insuring its transmission free from risk.

I am, &c.

*W. Plowden, Esq.*

E. HAMMOND.

*No. 302.—Consul Plowden to the Earl of Malmesbury.—(Received January 7, 1860.)*

MY LORD,

*Begemder, September 20, 1859.*

I HAVE the honour to inform you that, owing to the rainy season and the circumstances of the war, I have had no communication with the King, nor have I ever known with any certainty where he might be. He now informs me that he has been engaged in destroying the Gallas in all directions, and that he has now returned in safety to a locality comparatively near.

The Gallas, however, still maintain a harassing war.

The troops of his adversary in Tigré, Dejjamatch Negooses, I must now call him his rival, have pushed on to the neighbourhood of Goudar, and even further, and the war has become more envenomed and complicated.

It is impossible to say what an hour or a day may bring forth in these countries, but I see in these events only an additional reason for leaving the country until the struggle shall be decided, as until that I can be of no further practical use here.

The King appears now to be obstinately bent on exterminating the Gallas before proceeding to attack his rival in Tigré, and no one can foresee what time may elapse, or what events may occur, before the completion of this design.

Should anything important take place, changing these prospects before December, I shall immediately communicate it.

I was attacked, in March last, by a pestilence of a peculiar and formidable nature, that has desolated several provinces and still continues its ravages, and, in the absence of all medical advice, am but slowly recovering from its poisonous effects.

Should no political change occur here to detain me, I trust in December to be sufficiently strong to undertake my proposed journey.

I have, &c.

*The Earl of Malmesbury.*

WALTER PLOWDEN.

No. 304.—*Lord J Russell to Consul Plowden.*

(Extract.)

*Foreign Office, January 18, 1860.*

I HAVE received your despatch of the 20th September last, dated from Begemder, respecting the operations of the King of Abyssinia against the hostile tribes by whom he is harassed, and in connection with this subject, I have to observe to you that Her Majesty's Government do not consider that any special advantage is derived from your repeated visits into the interior. You will therefore return to Massowah, which is your proper residence, and you will not leave it, unless under very exceptional circumstances, without orders or permission from the Secretary of State.

There are various matters to which your attention should be directed at Massowah.

The interests of that port are intimately connected with British interests in India, and, with judicious care and encouragement, it may become the outlet of a large trade between Abyssinia and Her Majesty's dominions.

*W. Plowden, Esq.*

J. RUSSELL.

*No. 307.—Mr. Colquhoun to Lord J. Russell.—(Received May 11.)*

MY LORD,

*Alexandria, May 2, 1860.*

YOUR Lordship will peruse with regret the annexed letter, and its inclosure, which I last night received from Mr. Barroni, the Consular Agent at Massowah, informing me of the assassination of Mr. Plowden, Her Majesty's Consul in Abyssinia, when about to return to Gondar.

The letter from Mr. Bell, alluded to in Mr. Barroni's despatch, has not come forward from Jeddah. I shall instruct Mr. Barroni to request the Abyssinian authorities to place seals on all Mr. Plowden's effects, and shall suggest to him the propriety of his going himself up to Gondar to see to the preservation of the late Consul's correspondence and archives, and bring them down to Massowah to await the arrival of the person named by Her Majesty's Government to succeed him.

I have, &c.

*Lord J. Russell.*

ROBERT G. COLQUHOUN.

*(Inclosure 1.)—Mr. Barroni to Mr. Colquhoun.*

SIR,

*Massowah, March 30, 1860.*

I HAVE the painful task of reporting a melancholy event. Mr. Plowden, the Representative of England in Abyssinia, has been assassinated. On arriving close to the town of Gondar, and while crossing the River Kaha, he was suddenly attacked by 400 men, headed by Garred (a Chief under the orders of the rebel Dejaz Negoosie), and in the skirmish he received a mortal wound in his breast. Some particulars of this sad event are detailed in a copy of a letter herein inclosed, which was received on the 26th instant from Mr. Bell.

Please to inform Her Majesty's Government of this lamentable occurrence, and be kind enough to give me such instructions as you may think necessary for my guidance in the present emergency.

I have, &c.

*R. G. Colquhoun, Esq.*

R. BARRONI.

*(Inclosure 2.)—Copy of a Letter from M. Maderakal, Mercha, and Pashia Mohammed to Mr. Barroni, dated Gondar, February [?] 18, and received March 26, 1860.*

MY DEAR MR. BARRONI,

WE send you melancholy news. The Almighty always does according to His own will, and not ours. Your dear friend Mr. Plowden, your father and our father, was pierced with a lance by a brigand named Garred, near to Gondar, at the River Kaha, and after 9 days he is dead.\* The brigand took 1,000 dollars to

\* Mr. Barroni, in a letter dated May 30, 1862, states that Consul Plowden died March 4 1860.

deliver him up, which was advanced by the town of Gonda. Without this money he was determined to take him with him into the mountains, where he was going. We have lent that sum, thinking he could live and enter his country. We buried him in the King's church at Gondar. It was a great burial, after the Abyssinian manner. Thirty of the clergy were present, besides all the population of Gondar. Pashia Mohammed, Mercha, and I, Maderakal, were with him when he was assassinated by Garred, who robbed us of our rules, money, and everything we had with us; and, moreover, we were severely bound together.

Dear Sir,—Now we have no time, but afterwards we will write you everything.

*R. Barroni, Esq.*

Your most humble,

MERCHA.

MADERAKAL.

PASHIA MOHAMMED.

*No. 208.—Earl Cowley to Lord J. Russell.—(Received May 30.)*

MY LORD,

*Paris, May 29, 1860.*

WHILE I was with M. Thouvenel yesterday, the conversation turned on the death of Mr. Consul Plowden, concerning which M. Thouvenel had received details which may not be known to your Lordship. I requested his Excellency therefore to furnish me with a copy of the report which he had received, and he has most obligingly done so. I have the honour to inclose a copy herewith for your Lordship's information

I have, &c.

*Lord J. Russell.*

COWLEY.

*(Inclosure).—M. Rousseau to M. Thouvenel.*

M. LE MINISTRE,

*Djeddah, le 7 Avril, 1860*

JE crois devoir porter à la connaissance de votre Excellence la nouvelle suivante, qui m'est parvenue d'Abyssinie par le navire le *Femen*, et qui m'a été confirmé par M. le Comte de Russel, qui l'a apprise à Massowah au moment de son départ.

Mr. Plowden, Consul d'Angleterre à Massowah, mais qui résidait depuis plusieurs années dans l'intérieur de l'Abyssinie auprès du Roi Théodorus, dont il était l'ami et le conseiller intime, est mort à la suite d'une blessure qu'il a reçue en combattant dans les circonstances suivantes. Mr. Plowden se rendant de Gondar au camp du Roi Théodorus, établi dans le Volkaité, vers la fin de Février ou dans les premiers jours de Mars dernier, aurait été arrêté en route à une ou deux heures de distance seulement de Gondar par un Chef nommé Garède, neveu de Théodorus, passé au service de Négoussie. Une ancienne querelle dont Garède et Mr. Plowden avaient conservé le souvenir haineux et vindicatif, aurait été, dit-on, la cause principale de ce malheureux événement.

Mis en présence de Mr. Plowden par une circonstance fortuite, Garède lui réclama impérieusement un tribut pour son passage sur ce qu'il prétendait être ses terres. Mr. Plowden s'y serait refusé ; une rixe s'en serait immédiatement suivie entre ses gens et les agresseurs—rixes dans laquelle Mr. Plowden, après avoir tiré un coup de pistolet sur son adversaire sans l'atteindre, aurait reçu de lui un coup de lance qui le frappa au-dessus du sein gauche. Blessé grièvement, Mr. Plowden fut saisi et conduit aussitôt à Gondar, où une rançon de 1,000 thalaris fut payée à Garède par les membres de la petite colonie Européenne. Gondar étant une ville entièrement soumise au Roi Théodorus, il y a lieu d'être surpris que les autorités qui y commandaient pour lui ne soient point intervenues aussitôt pour s'opposer au paiement de cette rançon, et au besoin pour faire arrêter Garède, qui y avait accompagné son prisonnier.

Toujours est-il que celui-ci ayant reçu les 1000 thalaris pût quitter la ville sans être inquiété, et se retirer sur son territoire.

Quelques jours après cet événement, Mr. Plowden succombait à Gondar aux suites de sa blessure, qui, dit-on, n'aurait point été mortelle si elle avait été soignée aussitôt avec intelligence.

Veuillez, &c.

*M. Thouvenel.*

ROUSSEAU.

*No. 309.—Mr. Colquhoun to Lord J. Russell.—(Received June 6.)*

(Extract.)

*Alexandria, May 29, 1860.*

A LETTER I have just received from Aden, confirms the intelligence of Mr. Plowden's murder. Captain Playfair details the sad affair much as I had received it. He adds that Mr. Plowden's remains were interred with every honour in the Royal Church at Gondar, and the King is reported to have announced his intention to take signal vengeance for the loss of his friend. Mr. Barroni writes to Aden in great tribulation, that his very means of subsistence are cut off by Mr. Plowden's death ; and as it would be a source of great embarrassment to be without an Agent at Massowah, at present, Captain Playfair has authorized Mr. Barroni to draw on him for 100 rupees a month ; he has also sent a vessel of war to secure the late Consul's effects and papers if any such are forthcoming, and to obtain any further information that may have reached the coast.

I would venture respectfully to suggest that no time should be lost in replacing Mr. Plowden, and that we should also have an efficient Agent, whether Consul or Vice-Consul, at Massowah ;—under such, Mr. Barroni would do well as a subordinate. I hear a very good character of him.

*Lord J. Russell.*

ROBERT G. COLQUHOUN.



No 310.—*Mr. Baring to Mr. Hammond.*—(*Received June 8.*)

SIR,

*India Office, June 8, 1860.*

IN forwarding the inclosed copy of a letter from Captain Playfair, Assistant Political Resident at Aden, I am directed by Sir Charles Wood to observe that he thinks it probable that Lord John Russell is already in possession of the information which it contains. As, however, the arrangements to be effected in consequence of the death of Mr. Plowden must be determined by the Secretary of State for Foreign Affairs, Sir Charles Wood desires, before he replies to Captain Playfair's letter, to know whether the proceedings of that officer are approved by Lord John Russell.

I am, &c.

*E. Hammond, Esq.*

T. F. BARING.

(*Inclosure.*)—*Captain Playfair to Sir C. Wood.*

(*Extract.*)

*Aden, May 12, 1860*

I HAVE this moment received despatches from Massowah, containing the melancholy intelligence of the murder of Mr. Walter Plowden, Her Majesty's Consul in Abyssinia.

From a letter addressed by Mr. Bell to Mr. Barroni in Massowah, dated 12th March last, and from other letters to the same gentleman, the following appear to be the particulars of this calamitous event.

Mr. Plowden was about to enter the town of Gondar, *en route* to Massowah, when on crossing the River Kaka, he was suddenly set upon by 400 rebels, under the command of Dejay Garred (a chief attached to a party of Dejay Negoosie), and received a mortal wound, from a spear, in his chest. In this condition he was taken prisoner, and, on the rebel chief intimating his intention to carry him off to the mountains, Mr. Plowden was compelled to pay a ransom of 1,000 dollars, besides his arms and effects.

He appears to have been taken by his friends to Gondar, which journey occupied 6 days, and in 3 days after his arrival there he died. He was buried according to the rites of the Abyssinian creed, in the church of Genja Beyt, with all the honours with which the Abyssinian ecclesiastics could invest his funeral.

There appears reason to suppose that the assassination of Mr. Plowden was instigated by the rebel Dejay Negoosie. The Emperor Theodore is much affected, and has announced his determination to exact signal vengeance for his friend's death.

I shall take steps to secure as much as possible of Mr. Plowden's effects and papers.

I would take this opportunity to solicit the earnest attention of Her Majesty's Government to the state of our relations with Abyssinia. At Massowah, Mr. Barroni has for many years acted as

Agent for Mr. Plowden, by whom he was paid, and he has been of great service in keeping this Residency well informed of all that transpires there; but now he has neither official position nor means of subsistence, and I would strongly advise that he be immediately appointed Consular Agent at Massowah, with a small salary, pending any permanent arrangement which Her Majesty's Government may be pleased to make. In order to secure his services for the present, I will accept the responsibility of informing him that I have made this recommendation, and I will authorize him to draw upon me for the sum of 100 rupees per mensem, on the understanding that it is to be considered rather in the light of a gratuity than of a regular salary, and subject to immediate discontinuance, in the event of my proceedings not being approved.

*Sir C. Wood.*

R. L. PLAYFAIR.

*No. 311.—Mr. Murray to Mr. Baring.*

SIR,

*Foreign Office, June 15, 1860.*

I HAVE laid before Lord John Russell your letter to Mr. Hammond of the 8th instant, inclosing a copy of a despatch from Captain Playfair, Assistant Political Resident at Aden, reporting the death of Mr. Plowden, Her Majesty's Consul in Abyssinia, and stating that he had authorized Mr. Barroni to take charge (*ad interim*) of the business of the Consulship, and had assigned to him as Acting Consul an allowance of 100 rupees a month; and I am directed by his Lordship to request that you will inform Secretary Sir Charles Wood, that Lord John Russell approves the arrangement thus made by Captain Playfair for the temporary care of the British Consulate until the permanent arrangement consequent on Mr. Plowden's death shall have been settled. Of this, Sir Charles Wood shall be informed as soon as possible.

I am, &c.

*T. F. Baring, Esq.*

JAMES MURRAY.

*No. 312.—Mr. Colquhoun to Lord J. Russell.—(Received August 3.)*

MY LORD,

*Alexandria, July 17, 1860.*

I HAVE only this week received a letter, now of old date, containing particulars of Mr. Plowden's death, and I have the honour to enclose a literal copy of it.

I have, &c.

*Lord J. Russell.*

ROBERT G. COLQUHOUN.

*(Inclosure.)—Mr. Schimper to Mr. Barroni.*

MONSIEUR,

*Adowah, le 19 Mars, 1860.*

IL m'est extrêmement douloureux de transmettre une nouvelle qui vous affligera aussi profondément que moi.

Mr. Plowden a trouvé sa mort par un des Chefs liés à Dejai

Negoosie, qui, chassé par l'Empereur Theodore du pays de Sangallas, a continué sa fuite à Wogara. Probable est, que là il a appris l'approchement de Mr. Plowden, car ce n'est que par cela qu'il est probable et compréhensible qu'un de ses Chefs (Garred) ait pu se rendre à la rencontre de notre ami près de Gondar, pour se précipiter à l'imprévu sur lui. Défense n'était pas possible. Mr. Plowden a reçu un coup de lance à la poitrine ; la blessure était mortelle, néanmoins l'a-t-on enchainé pour le forcer à payer 1,000 thalers, condition à regagner sa liberté, laquelle il a reçu après le paiement, pour mourir après l'accident 9 jours.

J'envisage la mort de Mr. Plowden, qui avait toujours travaillé pour le véritable bien de ce pays, comme un très grand malheur public, touchant les indigènes comme les étrangers. C'est bien difficile à présent qu'en Europe on connaisse tout ce qui passe ici, et que l'on connaisse la vérité des faits ; car notre voix, comme venant des particuliers, n'a pas beaucoup de poids et n'ose pas se faire entendre par tout, car nous avons juste raison de craindre la puissance infernale de la part des intrigants répandant des mensonges sur ce pauvre pays. Plus fin et plus fort que nous, très exercés en machination, la victoire serait à leur côté, malgré que la vérité nous soutienne.

Il n'y avait que Mr. Plowden dont la voix avait pu se faire valoir, car lui était Consul et le seul ici. Autres Consuls et personnes ne connaissant eux-mêmes par propre inspection l'Abyssinie, n'en peuvent parler par ce qu'ils apprennent par ouï-dires qu'ils (nouveaux dans ce pays) envisagent comme vrais sans l'être.

Le malheur de Mr. Plowden a beaucoup attristé l'Empereur Théodore, qui vengera sérieusement son ami. Dejà Negoosie, à l'approche de l'Empereur, avait pris la fuite de Wogara à Séméné. Au départ de mon messenger il allait se sauver à Sahéla, et l'Empereur était en train de lui couper la route en descendant de Wogara à Sabra.

En quelques jours nous en apprendrons le résultat

R. Barron, Esq

SCHIMPER.

*AGREEMENT between the British and Brazilian Governments for the regulation of the Service of the Official and Private Correspondence conveyed between the two Countries by British Government Vessels, or by Vessels freighted or maintained by the said Government.\*—Signed at Rio de Janeiro, January 12, 1853.*

(Translation.)

ART. I. The despatches of the Brazilian Government to and

\* Signed also in the Portuguese language

from its Diplomatic Agents in Lisbon, Monte Video, and Buenos Ayres shall be conveyed by the British mail packets free of all charge for postage.

These despatches, however, are not to exceed the weight of 30 ounces, to or from each of those countries, by any one packet, and should they accidentally exceed that weight the excess only is to be charged with postage. The despatches sent from Lisbon, Monte Video, and Buenos Ayres, shall bear the official seal of the Brazilian Minister or Consul, and shall be addressed to the Minister for Foreign Affairs at Rio de Janeiro. The despatches sent from Brazil shall also bear the official seal of the Minister for Foreign Affairs.

II In consideration of the official despatches which are sent to and from British functionaries in Brazil being conveyed by the Brazilian mail packets free from any charge for postage for the conveyance between Brazilian Ports, the official despatches of the Brazilian Government shall in like manner be conveyed by the British mail packets between any ports in Brazil at which they may touch free from any British postage.

III. Newspapers printed and published in Brazil shall be conveyed from the ports of Brazil by the British mail packets free from any charge for British postage.

In order to enjoy the exemption from postage above mentioned, the newspapers must not contain any writing, and they must be sent in bands or covers open at the sides or ends.

IV. The postage to be charged in the United Kingdom upon every letter not exceeding half an ounce in weight, posted in the United Kingdom and forwarded to Brazil, or brought from Brazil and delivered in the United Kingdom, when conveyed by British Government vessels or by vessels freighted or maintained by order of the British Government, shall be reduced from 2*s.* 9*d.*, the present amount to 1*s.*; and for letters of greater weight, the charge shall be in conformity to the scale in operation in the United Kingdom for charging inland letters, that is to say, for every letter not exceeding half an ounce, one rate; above half an ounce but not exceeding one ounce, two rates; above one ounce but not exceeding two ounces, four rates; above two but not exceeding three ounces, six rates; above three but not exceeding four ounces, eight rates, and so on; two rates being added for every ounce or fraction of an ounce beyond the first ounce.

V. No postage whatever shall be charged in Brazil upon letters forwarded from Brazilian ports to the United Kingdom by British Government vessels, or by vessels freighted or maintained by order of the British Government.

Upon every letter not exceeding half an ounce in weight, brought

from the United Kingdom and delivered in Brazil, the postage to be charged shall be reduced from 660 reis, its present amount to 240 reis, and letters of greater weight shall be charged in proportion.

VI. The contribution hitherto paid by the General Post Office of Brazil to the British Post Office, in aid of the expense incurred by the latter in maintaining the communication by mail packets between the United Kingdom and Brazil, shall be reduced from 452 reis to 200 reis for each ounce weight of letters conveyed by such packets from the United Kingdom to Brazil.

VII. The postage to be charged by the British Post Office upon every letter not exceeding half an ounce in weight conveyed between any two Brazilian ports by a British mail packet shall be reduced from 1*s.*, the present amount, to 120 reis, or about 3½*d.* sterling; and letters of greater weight shall be charged in accordance with the British scale of progression inserted in Article IV.

VIII. The mails containing the ordinary correspondence forwarded between the ports of Brazil by Spanish mail packets shall be exclusively made up at the General Post Office of Brazil; and the postage due to the British Post Office for the conveyance of such correspondence shall be paid over to the British Packet Agent at the port of despatch, in such manner as shall be agreed upon between the General Post Office and the Agent.

IX. The mails containing the official despatches of the Brazilian Government, forwarded between the ports of Brazil by British mail packets, shall also be made up at the General Post Office of Brazil, separate from the ordinary correspondence alluded to in the preceding Article.

X. The mails as well as newspapers, intended for despatch from any of the ports of Brazil by a British mail packet, shall be delivered at the office of the British packet agent one hour before that appointed for the departure of the packet.

XI. The settlement of the accounts shall take place between the General Post Office of Brazil and the British packet agents stationed at the several ports of Brazil at which the British mail packets touch, and the amount due to the British Post Office shall be paid in the customary manner.

XII. The British mail packets, being considered by the Brazilian Government as merchant vessels, but being the property of a Company represented by a responsible agent at Rio Janeiro, the Brazilian Government, in order to avoid any delay in their departure at the appointed hour engages that the said agent shall be held responsible for any duties or contributions to which the said packets may be liable, or for any fines that may be levied on the commanders of the packets in virtue of the existing fiscal regulations, it being clearly understood that this concession does not relate to any alteration in

the regulations of Brazil actually enforced, or that may be established, to make masters of merchant vessels responsible, and that the concession shall immediately cease whenever the agent of the Company shall refuse to pay any contribution whatever, or fine, for which he may be responsible.

XIII. As soon as the mails are put on board in the ports of Brazil, the British mail packets shall take their departure; they shall not be detained beyond the hour fixed on any pretext whatever.

XIV. The responsibility of the Agent of the Royal Mail Steam Packet Company being recognized, he shall in that capacity receive a Beneplacito from the Brazilian Government, upon the requisition of the Legation of Her Britannic Majesty at the Brazilian Court.

The present agreement is concluded for 4 years from the date hereof, and shall come into operation on the 1st day of April of this year.

It cannot be annulled during such period of 4 years, except by the mutual consent of the two Governments.

If neither Government shall notify to the other, 6 months before the expiration of the said term of 4 years, its wish that the present agreement should terminate at the end of the said term, it shall continue in force for a year longer, and so on from year to year.

Rio de Janeiro, the 12th day of January, in the year of our Lord 1853.

(L.S.) HENRY SOUTHERN.

(L.S.) PAULINO JOZE SOARES DE SOUZA.

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MEMORANDUM.

UNDER the authority of official notes exchanged on the 14th October, 1850, between James Hudson, Esq., Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of Brazil, and his Excellency Senhor Paulino Joze Soares de Souza, Minister of Foreign Affairs of His Majesty the Emperor of Brazil, the steam packets employed in the conveyance of the mails between Great Britain and Brazil are to enjoy the following exemptions and privileges for the space of 10 years, counted from the arrival of the first packet in the first port of Brazil.

1. They shall be exempted from the duties of anchorage, and from any other duty which may be hereafter established; but in this exemption the duties actually established in favour of the Houses of Charity (Misericordia Hospital) are not comprehended.

2. They shall be exempted from giving entry at the Custom-Houses in the ports of Brazil at which they may touch in order to

deliver the mails and land or receive passengers, provided they carry no cargo to those ports, it being the duty of the Guarda Mar (Visiting Officer), when he makes his visit, to permit the disembarkation of the passengers' baggage, and to declare the vessel cleared.

3. In the ports to which they carry cargo they shall be admitted to discharge immediately according to their manifest, and to take on board the fresh cargo which they may have to receive, without being subject to take their turn (*escala*), having the preference over all other ships in this respect, and in every thing else which is not opposed to the fiscal laws of Brazil.

4. When they have discharged they shall be visited, with the remainder of their stores (*sobrecoellentes*) on board, without being obliged to deposit them in the Custom-House.

5. They may leave Brazilian ports at any hour of the day or night, observing the police regulations of the ports.

In return for the foregoing exemptions, it is stipulated and agreed, that the Brazilian Minister in London may send and receive, by each British mail packet to and from Brazil, letters and despatches, *bonâ fide* on the service of his Sovereign, up to the weight of 120 ounces, free from any charge for British postage; this exemption, however, is restricted to the official letters and despatches conveyed between London and Rio de Janeiro, and is not to extend to any letters or despatches which may be conveyed by the British mail packets between intermediate ports.

It has been agreed that the foregoing stipulations are to be observed between the two Governments in addition to those which are contained in the agreement of the 12th of January, 1853

*CONVENTION between the Post Office of Great Britain and the Post Office of Bremen.—Signed at London, December 5, 1862.*

THE General Post Office of the United Kingdom of Great Britain and Ireland, and the Post Office of Bremen, being desirous of regulating, by means of a new Convention, the communications by post between the United Kingdom and Bremen:

The Undersigned, Sir Rowland Hill, Knight Commander of the Most Honourable Order of the Bath, Secretary of the General Post Office, furnished with full powers from the Right Honourable Lord Stanley of Alderley, Postmaster-General of the United Kingdom of Great Britain and Ireland, and George Joachim



Goschen, Esquire, Consul General of the Hanseatic Cities of Germany, furnished with full powers from the Senate of the Free Hanseatic City of Bremen, on the part of the Post Office of Bremen :

After having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following Articles :

ART I. There shall be a periodical and regular exchange of correspondence between the United Kingdom of Great Britain and Ireland and Bremen, as well for letters and book packets originating in the United Kingdom or in Bremen, as for articles of the same nature originating in or destined for the countries the correspondence of which is forwarded through Great Britain or through Bremen.

II. The regular exchange of mails between the British Post Office and the Post Office of Bremen, shall be effected through the following Post Offices, namely :

On the side of the United Kingdom, London.

On the side of Bremen, 1. Bremen, 2. Bremerhaven.

III. It is agreed that the British Post Office shall make use of the right which it possesses, under the Postal Convention between Great Britain and Belgium, of exchanging closed mails with the Bremen Post Office through the Belgian territory.

The British Post Office shall pay to the Post Office of Belgium the transit postage due to that office for the transit of the letters contained in the closed mails in both directions exchanged between the United Kingdom and Bremen, and the Bremen Post Office shall repay to the British Post Office, at the expiration of every quarter, one half of the total amount paid to Belgium on account of such transit during the quarter.

IV. Independently of the correspondence which shall be exchanged between the British Post Office and the Post Office of Bremen by the route pointed out in the preceding Article, those offices may mutually forward from one to the other letters and book packets by merchant ships plying between the British ports of London or Hull, and Bremen.

V. Persons desirous of sending ordinary letters, that is to say, letters not registered, either from the United Kingdom of Great Britain and Ireland to Bremen, or from Bremen to the United Kingdom of Great Britain and Ireland, whether *via* Belgium or direct by private ship, shall have the option of leaving the postage of such letters to be paid by the receivers or of paying the postage in advance to the place of destination.

VI. The total amount of postage to be collected in the United Kingdom upon paid letters originating in the United Kingdom,

addressed to Bremen, as well as upon unpaid letters originating in Bremen, addressed to the United Kingdom, whether conveyed *via* Belgium or direct by private ship, shall be as follows :

For every single paid letter, 6*d*.

For every single unpaid letter, 8*d*.

Reciprocally, the total amount of postage to be collected in Bremen upon paid letters originating in Bremen, addressed to the United Kingdom, as well as upon unpaid letters originating in the United Kingdom, addressed to Bremen, whether conveyed *via* Belgium or direct by private ship, shall be as follows :

For every single paid letter, 5 silver groschen.

For every single unpaid letter, 7 silver groschen.

VII. With respect to letters above the weight of a single letter, which is fixed at half an ounce in the United Kingdom, and at one zoll loth in Bremen, the British Office shall apply the following scale of progression for all letters the postage of which is collected in the United Kingdom, viz. :

For every letter exceeding half an ounce, and not exceeding one ounce, two rates of postage.

For every letter exceeding one ounce, and not exceeding two ounces, four rates of postage.

For every letter exceeding two ounces, and not exceeding three ounces, six rates of postage.

And so on, two rates being added for every additional ounce.

And the Bremen Office shall apply the following scale of progression for all letters the postage of which is collected in Bremen, viz.

For every letter weighing a zoll loth, but under two zoll loth, two rates of postage.

For every letter weighing two zoll loth, but under three zoll loth, three rates of postage.

And so on, an additional rate of postage being charged for every zoll loth.

VIII. The Post Offices of Great Britain and Bremen shall mutually account to each other for the portion of the postage which is due to each upon the letters despatched from one office to the other.

The British Post Office shall pay to the Bremen Post Office for every single paid letter originating in the United Kingdom, addressed to Bremen, and conveyed *via* Belgium, the sum of 3*d*., and for every single unpaid letter originating in Bremen, addressed to the United Kingdom, and conveyed *via* Belgium, the sum of 4*d*.

The British Post Office shall pay to the Bremen Post Office for every single paid letter originating in the United Kingdom, addressed to Bremen, and conveyed direct by private ship the sum of

1½*d.*, and for every single unpaid letter originating in Bremen, addressed to the United Kingdom, and conveyed direct by private ship, the sum of 2*d.*

The Bremen Post Office, on the other hand, shall pay to the British Post Office for every single paid letter originating in Bremen, addressed to the United Kingdom, and conveyed *via* Belgium, the sum of 2½ silver groschen, and for every single unpaid letter originating in the United Kingdom, addressed to Bremen, and conveyed *via* Belgium, the sum of 3½ silver groschen.

The Bremen Post Office shall pay to the British Post Office for every single paid letter originating in Bremen, addressed to the United Kingdom, and conveyed direct by private ship, the sum of 3 silver groschen 9 pfenning, and for every single unpaid letter originating in the United Kingdom, addressed to Bremen, and conveyed direct by private ship, the sum of 5 silver groschen 3 pfenning.

For every letter above the weight of a single letter each office shall pay to the other an increased amount according to the scale of progression adopted in that country in which the postage is collected.

IX. When the postage stamps affixed to a letter forwarded from the United Kingdom to Bremen or from Bremen to the United Kingdom, shall represent a sum less than that required for its repayment, at the rate of 6*d.*, or 5 silver groschen, for a single letter, such letter shall be considered as unpaid, and charged as such, after deducting the value of those stamps.

The amount of the sums paid, as well by the senders of insufficiently paid letters as by the persons to whom those letters are addressed, shall be equally divided between the Post Office of Bremen and the British Post Office.

X. In all cases in which a fee or other charge, in addition to the rates of postage specified in this Convention, is levied in Bremen, upon the delivery of paid or unpaid letters originating in the United Kingdom, one-half of the amount of such fee or other charge shall be paid to the British Post Office by the Post Office of Bremen.

Reciprocally, in the event of a fee or other charge, in addition to the rates of postage specified in this Convention, being at any time levied in the United Kingdom upon the delivery of paid or unpaid letters originating in Bremen, one-half of the amount of such fee or other charge shall be paid to the Post Office of Bremen by the British Post Office. It is understood, however, that this stipulation does not apply to the payments voluntarily made to letter carriers for delivering letters to persons residing beyond the prescribed limits within which a free delivery takes place in any town or village in the United Kingdom.

The two offices shall settle by mutual consent the mode in which the amount due to each, as its share of the fees or additional charges levied either in Bremen, or in the United Kingdom, is to be ascertained and brought to account.

XI. The Bremen Post Office shall pay to the British Post Office for the territorial conveyance, through the United Kingdom, of letters forwarded in open mails, in transit through the United Kingdom, to or from countries or colonies beyond sea, viz. :

For every single paid letter originating in Bremen, and addressed to such countries or colonies, the sum of 3*d*.

For every single unpaid letter originating in such countries or colonies, and addressed to Bremen, 4*d*.

The Bremen Post Office shall further pay to the British Post Office upon this class of letters, the rate paid by the inhabitants of the United Kingdom for letters having the same origin or destination, from which rate, however, the sum of 1*d*. shall be first deducted, in all cases where such rate includes the British inland rate.

The conditions under which letters sent in transit through the United Kingdom to or from Bremen shall be exchanged between the Bremen Post Office and the British Post Office, in conformity with the foregoing stipulations, are shown in Table A. annexed to this Convention.

XII. The British Post Office may deliver to the Bremen Post Office registered letters addressed to Bremen.

Reciprocally, the Bremen Post Office may deliver to the British Post Office registered letters addressed to the United Kingdom.

The postage of registered letters shall always be paid in advance.

A fee, or additional charge, the amount of which the despatching office shall fix, may be levied over and above the postage to which such letters are liable, but no postage, duty, or tax, other than that for delivery, referred to in Article IX preceding, shall be levied on the delivery of registered letters forwarded from the United Kingdom of Great Britain and Ireland to Bremen or *vice versa*.

The British Office shall account to the Bremen Office for one-half the registration fee levied upon registered letters posted in the United Kingdom, and a like sum upon registered letters passing in transit through the United Kingdom, addressed to Bremen; and the Bremen Office shall account to the British Office for one-half the registration fee levied upon registered letters posted in Bremen, addressed to the United Kingdom.

XIII. The Bremen Post Office may further deliver to the British Post Office registered letters addressed to the United States of America (including California and Oregon), to Liberia, or to the

British Colonies of India, Malta, Gibraltar, Hong Kong, the British West Indies, the Cape of Good Hope, St. Helena, Natal, Ceylon, Mauritius, New South Wales, Victoria, Tasmania, South Australia, Western Australia, Queensland, New Zealand, Newfoundland, Bermuda, Canada, New Brunswick, Nova Scotia, Prince Edward Island, Sierra Leone, Gambia, the Gold Coast, and the Falkland Islands.

The Bremen Post Office shall account to the British Post Office, in addition to the postage due to the British Post Office, and to half the fee levied for the registration between Bremen and the United Kingdom, for the sum of 5 silver groschen upon every registered letter addressed to any of the countries or colonies above enumerated.

XIV. Subject to the following conditions, book packets, including under that designation newspapers and printed papers of every kind, may be sent from Bremen to the United Kingdom of Great Britain and Ireland, whether *via* Belgium or direct by private ship, at such rates of postage as may be fixed from time to time by the Bremen Post Office, and from the United Kingdom to Bremen at such rates of postage as may be fixed from time to time by the British Post Office.

1. The postage must be prepaid.

2. Book packets, insufficiently prepaid by means of postage stamps, shall be charged with double the amount of the deficiency. The produce of this charge shall be retained by the office which collects it.

3. Every packet must be sent either without a cover, or in a cover open at the ends or sides, so as to admit of the examination of its contents.

4. A book packet may contain any number of separate books or other publications, prints, or maps, whether printed, engraved or lithographed, and whether on paper, parchment, or vellum, as also photographs on paper, parchment, or vellum; further, all legitimate binding, mounting, or covering of a book, publication, &c., or of a portion thereof, shall be allowed, whether such binding, &c., be loose or attached; as also rollers in the case of prints or maps, markers (whether of paper or otherwise), in the case of books, and in short, whatever is necessary for the sake of transmission of literary or artistic matter or usually appertains thereto; but no patterns or books of patterns (unless these consist merely of paper), shall be allowed.

5. No book packet may contain any writing, figures, or manual marks whatsoever.

6. No book packet must exceed two feet British in length, width, or depth, or 3lbs Prussian in weight.

XV. In exception to the stipulations of Article XIV preceding, it is agreed that ordinary corrections in writing shall be allowed in the case of book packets containing unbound proof sheets only.

XVI. The British Post Office shall pay to the Post Office of Bremen, on such of the book packets mentioned in Article XIV preceding as shall originate in the United Kingdom of Great Britain and Ireland, as well as on prepaid book packets passing in transit through the United Kingdom, the sum of 5*d.* per Prussian pound net weight.

The Post Office of Bremen on its side shall pay to the British Post Office, on such of the book packets mentioned in Article XIV preceding as shall originate in Bremen, the sum of 4 silver groschen per Prussian pound net weight for the entire service to be rendered by the British Post Office, and 4*d.* per Prussian pound in repayment of the transit rate to be paid to Belgium.

XVII. No postage whatever shall be charged by the Bremen Post Office upon the delivery of book packets originating in the United Kingdom of Great Britain and Ireland, and addressed to Bremen; and, in like manner, no postage whatever shall be charged by the British Post Office upon the delivery of book packets originating in Bremen, and addressed to the United Kingdom of Great Britain and Ireland.

It is nevertheless understood that this provision does not in any way invalidate the right either of the British Office or of the Bremen Office to refuse to deliver newspapers or other printed papers, the importation of which may be prohibited by the laws and regulations of the country to which they are forwarded.

In the event of any stamp duty, fee for delivery, or other charge being levied hereafter in Bremen upon newspapers or other printed papers originating in the United Kingdom of Great Britain and Ireland, the whole amount of such stamp duty, fee for delivery, or other charge, shall be paid over by the Bremen Post Office to the British Post Office.

Reciprocally, in the event of any stamp duty, fee for delivery, or other charge, being levied hereafter in the United Kingdom upon newspapers or other printed papers originating in Bremen, the whole amount of such stamp duty, fee for delivery, or other charge, shall be paid over by the British Post Office to the Bremen Post Office.

XVIII. The payments at the rate of 1*d.* per letter, and 1*d.* per 4 ounces for book packets on account of the sea conveyance of letters and book packets, contained in the Mails exchanged between the British Post Office and the Bremen Post Office, by means of private ships, shall be made to the commanders or owners of those ships, as follows:

When the vessel employed is a Bremen ship, the payment shall be made by the Bremen Post Office, and when the vessel employed is a British ship, the payment shall be made by the British Post Office.

The British Post Office shall reimburse the Bremen Post Office the amount paid by the latter upon letters forwarded in either direction, as well as the amount paid upon book packets forwarded from the United Kingdom to Bremen by a private ship belonging to Bremen.

On its side the Bremen Post Office shall reimburse the British Post Office the amount paid by the latter upon book packets forwarded from Bremen to the United Kingdom by a private ship belonging to the United Kingdom.

XIX. The Post Office of Bremen shall pay to the British Post Office for the conveyance across the United Kingdom of Great Britain and Ireland of book packets in transit which the British Post Office shall convey through its territory on account of the Post Office of Bremen, the sum of 5*d.* per Prussian pound, net weight.

The Post Office of Bremen shall further pay to the British Post Office for the sea conveyance of book packets which shall be conveyed, on account of the Post Office of Bremen, by British mail packets or by private ships leaving or arriving at the ports of the United Kingdom of Great Britain and Ireland, the sum of 5*d.* per Prussian pound, net weight.

In consideration of the expense incurred by the British Post Office for the conveyance of mails across the Isthmus of Suez or the the Isthmus of Darien, the Post Office of Bremen shall further pay to the British Post Office for book packets which the Post Office of Bremen shall forward or receive by British mail packets and by way of either isthmus, viz.:

For the conveyance of book packets across the Isthmus of Suez, a transit rate of 4*d.* per Prussian pound, net weight.

For the conveyance of book packets across the Isthmus of Darien, a transit rate of 1*s.* per Prussian pound, net weight.

XX. Ordinary or registered letters and book packets mis-directed or mis-sent, shall be reciprocally returned without delay through the respective offices of exchange for the same weight and amount of postage at which they were charged by the despatching office to the other office.

The articles of a like nature addressed to persons who have changed their residence shall be mutually forwarded or returned, charged with the rate that would have been paid by the receivers.

XXI. Ordinary or registered letters and book packets exchanged in ordinary mails between the two Post Offices of Great



Britain and Bremen, which cannot be delivered, from whatever cause, shall be mutually returned at the expiration of every month. Such of those articles as shall have been charged in the accounts shall be returned for the amount of postage which was originally charged by the sending office.

Those which were sent paid to destination shall be returned without postage or charge.

XXII. The British Post Office and the Post Office of Bremen shall determine by mutual consent the direction of the correspondence reciprocally transmitted, and shall settle the arrangements relating to the form and the liquidation of the accounts arising out of the mutual transmission of correspondence, as well as every other matter of detail which may be necessary to ensure the execution of the stipulations contained in the present Convention.

The two offices shall have power to modify from time to time by mutual consent, the arrangements made in virtue of this Article, as well as those fixed by all the preceding Articles.

XXIII. Ordinary letters, registered letters, and book packets of every kind exchanged between the two Post Offices of Great Britain and Bremen, which shall have been paid to destination, or for some part of the distance beyond the territory of the despatching office, shall be marked in a conspicuous part of the address with an impression in red ink of a stamp intended to denote to the respective offices of exchange the extent of prepayment.

The stamp P.D. shall be impressed on ordinary or registered letters as well as on book packets which shall be prepaid to destination.

The stamp P.P. shall be impressed on ordinary letters as well as on book packets which shall be prepaid for some part of the distance beyond the territory of the despatching office.

XXIV. Each of the mails exchanged between the Post Offices of the two countries shall be accompanied by a letter bill in which the despatching office shall state the nature of the articles which the mail contains, and the amount of postage due to each office. The office to which the mail shall be forwarded shall acknowledge its receipt to the despatching office by return of post.

The letter bills and acknowledgments of receipt for the mails sent from the Post Office of London to the Post Offices of Bremen and Bremerhaven *via* Belgium, shall be according to the Form B annexed to the present Articles.

The letter bills and acknowledgments of receipt for the mails sent from the Post Office of London and Hull, to the Post Offices of Bremen and Bremerhaven, direct by private ship, shall be according to the Form C, annexed to the present Articles.

The letter bills and acknowledgments of receipt which the offices of Bremen and Bremerhaven shall use in their communications with the Post Offices of London and Hull, shall agree with the forms above described.

XXV. If it should happen on the usual days and hours for making up the mails that an office of exchange has not any letter to forward to the corresponding office, the despatching office shall nevertheless send, in the ordinary way, a mail which shall contain a blank letter bill.

XXVI. The British Post Office shall every month prepare separate accounts exhibiting the results of the transmission between the respective offices of exchange of the correspondence mutually exchanged. Such accounts shall be founded upon the acknowledgments of receipt of the respective offices during the month.

XXVII. The separate accounts described in the preceding Article shall be incorporated every month in general accounts showing the result of the transmission of the correspondence exchanged between the Post Office of Great Britain and the Post Office of Bremen.

XXVIII. The general accounts mentioned in the preceding Article shall be compared and settled by the two offices, and the balance shall be paid at the end of every quarter by that office which shall be found to be indebted to the other.

XXIX. The present Agreement shall come into operation on the 1st day of January, 1863, and shall continue in force until one of the two Contracting Parties shall have announced to the other, one year in advance, its intention to terminate it. During this last year the Agreement shall continue to be fully and entirely carried into effect without prejudice to the settlement of the accounts between the British and Bremen Offices after the expiration of the said term.

All the Agreements which now regulate the exchange of correspondence between the United Kingdom and Bremen, shall cease to have effect from the date of the day when the present Agreement shall be put into execution.

Done in duplicate at London, the 15th day of December, 1862.

(L.S.) ROWLAND HILL.

(L.S.) GEORGE J. GOSCHEN.

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*AGREEMENT between the British Government and the Viceroy of Egypt, relative to the Transmission of British Mails through Egypt.—Signed at Alexandria, June 16, 1858.*

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HER Britannic Majesty's Government having instructed John Green, Esq., Her Majesty's Consul at Alexandria, now acting as Her Majesty's Agent and Consul-General in Egypt, to regulate by a new Agreement with His Highness the Viceroy of Egypt, the transmission through Egypt of Her Majesty's mails to and from the East Indies, Her Majesty's other possessions and colonies, and such other countries as British mails are made up for, through Egypt;

And His Highness Said Pasha, the Viceroy of Egypt, having appointed for this purpose His Excellency Nubar Bey, Director of the Railway and Transit Administration;

The above named have agreed upon the following Articles:

ART. I. The Egyptian Government guarantees the safety of Her Majesty's mails while passing through Egypt, provided that the Viceroy remains entrusted with the full and uninterrupted power enjoyed by his father and his predecessors, especially that of confirming or commuting sentences of tribunals in criminal matters.

II. The Egyptian Government engages to convey from Alexandria to Suez, and from Suez to Alexandria, the British mails to and from the East Indies, Her Majesty's other possessions and colonies, and such other countries as British mails are made up for, through Egypt. Local mails shall also be carried between Alexandria, Cairo, and Suez.

III. The time occupied in conveying the mails from Alexandria to Suez, and *vice versâ*, shall not, except under uncontrollable circumstances, exceed 24 hours; the hours to be computed from the time the mails are handed over the side of the British packets at Alexandria, up to their delivery on board the corresponding packets at Suez, and *vice versâ*. But this arrangement is on the understanding that the packet from Southampton shall have arrived at Alexandria not less than 20 hours before that bringing the overland mail; and that the packet from Alexandria with the homeward mail shall sail for Southampton not less than 20 hours after that with the homeward overland mail.

Should such interval of 20 hours not be maintained, then, in every such case, the difference between 20 hours and the actual interval shall be added to the 24 hours to be allowed for each transit from packet to packet. Thus, if the interval be only 10 hours, 34 hours shall be allowed for the transit, and so on.

IV. When there is no separate arrival of the overland mail from Great Britain, or no separate despatch from Alexandria of

the overland mail for Great Britain, 44 hours shall be the time allowed each way for the transit of the mails from packet to packet.

V. Should it become practicable, the Egyptian Government agrees so to accelerate the conveyance of the mails as to complete the work in less time than that specified in the preceding Article.

VI. So long as any part of the railway between Cairo and Suez shall remain unopened for use, additional time shall be allowed for the conveyance of the mails, calculated on the slower pace of camels as compared with travelling by railway, and the administration binds itself to accelerate the transport of the mails through the desert by camels as much as possible.

VII. The British Post Office shall be at liberty, as heretofore, to send messengers (not more than 3 in number) with the mails; and suitable provision shall be made for the conveyance of these messengers from Alexandria to Suez and back, and from Suez to Alexandria and back.

VIII. The Egyptian Government shall provide substantial and safe boats for landing and embarking the mails at Alexandria and Suez, and proper means for the conveyance of the mails between the point of embarkation or landing and the railway; also a suitable carriage for the conveyance of the local mail between the point of embarkation or landing and the Post Office in Alexandria, and between the Post Office and the railway station.

IX. On the railway the mails shall be conveyed in closed trucks, and neither passengers, goods, nor anything else shall be placed in the same trucks.

X. The Egyptian Government shall provide suitable and separate places on the quays at Alexandria and Suez for the landing, loading, and embarkation of the mails. Warehouse room also shall be afforded at the railway stations at Alexandria and Suez for storing such mails as it may be necessary to leave at these stations, and in these warehouses accommodation shall be provided for sorting the mails, should such be required by the British Post Office. The keys of such warehouses shall be in charge of the agents of Her Britannic Majesty's Postmaster-General.

XI. For the due performance of all the foregoing services by the Egyptian Government, Her Britannic Majesty's Government agree to pay the sum of 12,000*l.* sterling per annum, the payments to be made quarterly (3,000*l.* each quarter), commencing with the expiration of the first quarter. The exchange to be calculated at 97½ piastres per sovereign, according to the Egyptian Government tariff.

XII. Should the Agent of Her Britannic Majesty's Government appointed for the purpose fail to make the quarterly payment

within 15 days of the appointed time, Her Majesty's Government shall be bound to forfeit to His Highness the Viceroy the sum of 100*l.* sterling for every such delay; and, on the other hand, should the time occupied in the conveyance of the mails ever exceed that mentioned in Article III, the Egyptian Government agree that the sum of 100*l.* sterling shall be deducted from the next quarterly payment for every such delay, unless the delay should arise from causes over which the Egyptian Government have no control.

XIII. Should the number of mails in transit through Egypt be increased beyond the present number of 5 mails monthly each way (the mail *via* Southampton and the overland mail being always counted together as one mail only), the payment to the Egyptian Government shall be increased at the rate of 100*l.* for each single transit.

XIV. The present Agreement is concluded for 3 years, from the 30th June next, and shall remain in force during a continued succession of periods of 3 years each, unless a notification to the contrary be made by either party to the other 12 months at least before the expiration of any such period.

XV. In witness whereof the before-named Nubar Bey and John Green, Esq., have signed the present Agreement, and affixed thereto their respective seals.

Done in duplicate, Alexandria, 16th June, 1858.

(L.S.) N. NUBAR.

(L.S.) JOHN GREEN.

*ADDITIONAL ARTICLES to the Detailed Regulations arranged between Great Britain and France, for the execution of the Postal Convention of 24th September, 1856.\*—Signed at London, May 16, and at Paris, May 19, 1860.†*

(Translation.)

THE Postmaster-General of the United Kingdom of Great Britain and Ireland on the one part, and the Director-General of the French Post Office on the other part,

With reference to Articles XXXI, XXXII, and XXXVI, of the Postal Convention concluded between France and Great Britain the 24th September, 1856;

With reference also to the Detailed Regulations arranged between the French Post Office and the Post Office of Great Britain, for the execution of the said Convention, signed at Paris the 27th October, 1856, and at London the 12th November, 1856;‡

Have agreed as follows:

\* Vol. XLVI. Page 195. † Signed also in the French language.

‡ Page 1123.

ART. I. There shall be a direct exchange of closed mails by means of British packets and by way of the Isthmus of Suez, between the office of Marseilles and the travelling office from Lyons to Marseilles, on the one part, and the offices of Aden, Bombay, Madras, Calcutta, Point de Galle, Penang, Singapore, and Hong Kong, on the other part, as well for ordinary letters, registered letters, and printed papers of all kinds exchanged by the said route between the inhabitants of France and Algeria, and the inhabitants of the British possessions in Asia, as for articles of a like nature exchanged between the inhabitants of the foreign countries the correspondence of which is transmitted through France, and the inhabitants of the British possessions before mentioned.

II. The persons who wish to send ordinary letters either from France and Algeria to the British possessions in Asia, or from the British possessions in Asia to France and Algeria, shall have the option of leaving the entire postage of those letters to be paid by the persons to whom they are addressed, or of paying in advance the postage to the place of destination.

The Post Office of France shall pay to the British Post Office as well for paid letters forwarded from France and Algeria addressed to the British possessions in Asia, as for unpaid letters forwarded from the said possessions addressed to France and Algeria, the sum of 1 franc 62 $\frac{4}{10}$  centimes per 20 grammes of letters, net weight. On its side, the British Post Office shall pay to the Post Office of France for paid letters forwarded from the British possessions in Asia addressed to France and Algeria, the same rate as for paid letters from the British colonies in America; and for unpaid letters forwarded from France and Algeria addressed to the British possessions in Asia, the same rate as for unpaid letters addressed to the British colonies of America.

III. The ordinary letters coming from or addressed to the foreign countries, the correspondence of which is transmitted through France, which shall be comprised in the closed mails referred to in Article I preceding, shall be subject to the same conditions with respect to prepayment as the letters exchanged between those same foreign countries and the Island of Malta by way of France.

The Post Office of France shall pay to the Post Office of Great Britain for such of the said letters as shall be fully prepaid by the inhabitants of the foreign countries, the correspondence of which is transmitted through France, the same rate as for letters coming from or addressed to France.

As to the rate to be paid by the British Post Office to the Post Office of France, as well for paid letters forwarded from the British



possessions in Asia addressed to the foreign countries, the correspondence of which is transmitted through France, as for unpaid letters or letters charged with a French transit rate forwarded from the said countries, addressed to the British possessions in Asia, it shall be the same as for letters exchanged between those same foreign countries and the Island of Malta by way of France.

IV. The office of Marseilles and the travelling office from Lyons to Marseilles may deliver to the British Exchanging Offices specified in Article I preceding, registered letters addressed to the British possessions in Asia.

On their side, the British Exchanging Offices before mentioned may deliver to the office of Marseilles and to the travelling office from Marseilles to Lyons registered letters addressed as well to France and Algeria as to the foreign countries to which the inhabitants of the British possessions in Asia shall have the right of forwarding, by way of France, ordinary letters paid to destination.

V. The forms of letter bills and acknowledgments of receipt of which the office of Marseilles and the travelling office from Lyons to Marseilles shall make use in their communications with the offices of Aden, Bombay, Madras, Calcutta, Point de Galle, Penang, Singapore, and Hong Kong, shall be according to the pattern annexed to the present Articles.

The forms of letter bills and acknowledgments of receipt of which the offices of Aden, Bombay, Madras, Calcutta, Point de Galle, Penang, Singapore, and Hong Kong shall make use in their communications with the office of Marseilles and with the travelling office from Marseilles to Lyons, shall agree with the pattern above referred to.

VI. The provisions of the Articles XXIX, XXX, XXXII, XXXIV, XXXV, XXXVI, XXXVII, XXXVIII, XXXIX, XLI, XLV, XLVI, XLVII, XLVIII, and XLIX of the Detailed Regulations arranged between the Post Office of France and the British Post Office for the execution of the Convention of the 24th September, 1856, signed at Paris the 27th October, 1856, and at London the 12th November, 1856, are applicable to the correspondence coming from or addressed to the British possessions in Asia.

VII. The present Articles shall be considered as additional to the Detailed Regulations referred to in the preceding Article, and shall be carried into effect on the 1st day of July 1860.

Done in duplicate and signed at London the 16th day of May, 1860; and at Paris the 19th of the same month.

(L.S.) ARGYLL.

(L.S.) STOURM.

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*ADDITIONAL ARTICLES to the Detailed Regulations arranged between Great Britain and France, for the execution of the Postal Convention of 24th September, 1856.\*—Signed at London, April 5, and at Paris, April 8, 1861.†*

(Translation.)

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THE Postmaster-General of the United Kingdom of Great Britain and Ireland, on the one part, and the Director-General of the French Post Office, on the other part :

With reference to Articles XXXI and XXXVI of the Postal Convention concluded between France and Great Britain the 24th September, 1856;

With reference also to the detailed regulations arranged between the French Post Office and the Post Office of Great Britain, for the execution of the said Convention, signed at Paris the 27th October, 1856, and at London the 12th November, 1856,‡

Have agreed as follows :

ART. I. There shall be a direct exchange of closed mails by means of British packets and by way of the Isthmus of Suez, between the office of Marseilles and the travelling office from Lyons to Marseilles, on the one part, and the office of Port Louis (Mauritius), on the other part, as well for ordinary letters, registered letters, and printed papers of all kinds exchanged by the said route between the inhabitants of France and Algeria and the inhabitants of Mauritius, as for articles of a like nature exchanged between the inhabitants of the foreign countries the correspondence of which is transmitted through France, and the inhabitants of Mauritius.

II. The persons who wish to send ordinary letters either from France and Algeria to Mauritius, or from Mauritius to France and Algeria, shall have the option of leaving the entire postage of these letters to be paid by the persons to whom they are addressed, or of paying in advance the postage to the place of destination.

The Post Office of France shall pay to the British Post Office as well for paid letters forwarded from France and Algeria addressed to Mauritius, as for unpaid letters forwarded from Mauritius addressed to France and Algeria, the sum of 1 franc 62½ centimes per 30 grammes of letters, net weight. On its side, the British Post Office shall pay to the Post Office of France for paid letters forwarded from Mauritius addressed to France and Algeria, the same rate as for paid letters from the British Colonies in America; and for unpaid letters forwarded from France and Algeria addressed to Mauritius, the same rate as for unpaid letters addressed to the British colonies of America.

\* Vol. XLVI. Page 195.

† Signed also in the French language.

‡ Page 1123.

III. The ordinary letters coming from or addressed to the foreign countries the correspondence of which is transmitted through France which shall be comprised in the closed mails referred to in Article I preceding, shall be subject to the same conditions with respect to prepayment as the letters exchanged between those same foreign countries and the island of Malta by way of France.

The Post Office of France shall pay to the Post Office of Great Britain for such of the said letters as shall be fully prepaid by the inhabitants of the foreign countries the correspondence of which is transmitted through France, the same rate as for letters coming from or addressed to France.

As to the rate to be paid by the British Post Office to the Post Office of France, as well for paid letters forwarded from Mauritius addressed to the foreign countries the correspondence of which is transmitted through France, as for unpaid letters or letters charged with a French transit rate forwarded from the said countries, addressed to Mauritius, it shall be the same as for letters exchanged between those same foreign countries and the island of Malta by way of France.

IV. The office of Marseilles and the travelling office from Lyons to Marseilles may deliver to the office of Port Louis registered letters addressed to Mauritius.

On their side the Office of Port Louis may deliver to the office of Marseilles and to the travelling office from Marseilles to Lyons registered letters addressed as well to France and Algeria as to the foreign countries to which the inhabitants of Mauritius shall have the right of forwarding, by way of France, ordinary letters paid to destination.

V. The forms of letter bills and acknowledgments of receipt of which the office of Marseilles and the travelling office from Lyons to Marseilles shall make use in their communications with the offices of Aden, Bombay, Madras, Calcutta, Point de Galle, Penang, Singapore, Hong Kong, and Port Louis, shall be according to the pattern annexed to the present Articles.

The forms of letter bills and acknowledgments of receipt of which the offices of Aden, Bombay, Madras, Calcutta, Point de Galle, Penang, Singapore, Hong Kong, and Port Louis shall make use in their communications with the office of Marseilles and with the travelling office from Marseilles to Lyons, shall agree with the pattern above referred to.

VI. The provisions of the Articles XXIX, XXX, XXXII, XXXIV, XXXV, XXXVI, XXXVII, XXXVIII, XXXIX, XLI, XLV, XLVI, XLVII, XLVIII, and XLIX of the detailed regulations arranged between the Post Office of France and the British Post Office for the execution of the Convention of the 24th

September, 1856, signed at Paris the 27th October, 1856, and at London the 12th November, 1856, are applicable to the correspondence coming from or addressed to Mauritius.

VII. The present Articles shall be considered as additional to the detailed regulations referred to in the preceding Article, and shall be carried into effect on the 1st day of July, 1861.

Done in duplicate and signed at London the 5th day of April, 1861, and at Paris the 8th of the same month.

(L.S.) STANLEY OF ALDERLEY.

(L.S.) STOURM.

*ADDITIONAL ARTICLES to the Detailed Regulations arranged between Great Britain and France, for the execution of the Postal Convention of 24th September, 1856.\*—Signed at London, November 25, and at Paris† November 27, 1861.*

(Translation.)

THE Postmaster-General of the United Kingdom of Great Britain and Ireland, on the one part, and the Counsellor of State, Director General of the French Post Office, on the other part,

With reference to the Postal Convention concluded between France and Great Britain the 24th September, 1856;

With reference also to the Convention, additional to the said Convention, signed at London the 2nd July, 1861;‡

With reference further to the Declaration relative to letters forwarded from Halifax, Huddersfield, Leeds, and Bradford for France, and the countries the correspondence of which is transmitted through France by means of mails arriving in London in the afternoon between half-past five and half-past seven o'clock, signed on the one part by his Excellency the Minister Secretary of State for Foreign Affairs to His Majesty the Emperor of the French, and on the other part by his Excellency the Ambassador Extraordinary and Plenipotentiary of Her Britannic Majesty to His Majesty the Emperor of the French, and exchanged at Paris the 14th November, 1861.

And with reference to the Detailed Regulations arranged between the Post Office of France and the Post Office of Great Britain for the execution of the Convention of the 24th September, 1856, signed at Paris the 27th October, 1856, and at London the 12th November, 1856;§ have agreed as follows:

ART. I. The patterns of merchandize which shall be sent in virtue of the Additional Convention of the 2nd July, 1861, whether from France and Algeria to the United Kingdom of Great Britain

\* Vol. XLVI. Page 195.

† Signed also in the French language.

‡ Vol. LI. Page 49.

§ Page 1123.

and Ireland and to the Island of Malta, or from the United Kingdom of Great Britain and Ireland, and from the Island of Malta to France and Algeria, must not bear any other writing than the address of the person for whom they are intended, a manufacturer's or trade mark, numbers, and prices.

Every packet of patterns which shall contain any other manuscript marks shall be considered and treated as a letter.

II. The two Post Offices mutually admit that the stipulations of Articles I and II of the Convention above-mentioned, which authorize the transmission at a reduced rate, of papers in manuscript under bands, are applicable to proof-sheets bearing typographical corrections, to manuscripts attached to such proofs and having reference to them, to parts or sheets of music in manuscript, and in general to all documents on paper, vellum, cardboard, or parchment, whether printed, engraved, lithographed, or photographed, which bear writing, but which do not contain any letter or note of the nature of a letter, or which could serve as such.

III. Newspapers, gazettes, periodical works, pamphlets, sheets of music, catalogues, prospectuses, announcements, and notices of various kinds, whether printed, engraved, or lithographed, which shall be sent from the United Kingdom of Great Britain and Ireland to the Grand Duchy of Baden, the Kingdom of Wurtemberg, the Principalities of Hohenzollern, the Kingdom of Bavaria, and the Austrian Empire, by way of France, must be prepaid to destination.

Printed papers of every kind, which the British Post Office shall deliver to the French Post Office for transmission through the Austrian Post Office to the Ionian Islands, Moldavia, Wallachia, Alexandretta, Beyrout, Constantinople, the Dardanelles, Gallipoli, Jaffa, Lattakia, Mersine, Mytyleno, Rhodes, Salonica, Samsoun, Scutari in Asia, Sinope, Smyrna, Sulina, Trebizond, Tripoli in Syria, Tultcha, Varna, Volo, Ineboli, Jerusalem, Adrianople, Antivari, Burghas, Kaiffa, Candia, Canea, Cavalla, Chio, Durazzo, Janina, Larnaca, Philippopoli, Preveza, Retimo, Rutshuk, Serez, Sophia, Tenedos, and Valona, shall in like manner be prepaid to destination.

IV. The British Post Office shall pay to the French Post Office for the newspapers and other printed papers mentioned in the preceding Article, as follows, viz. :

1. For those for the Grand Duchy of Baden, for the Kingdom of Wurtemberg, the Principalities of Hohenzollern, the Kingdom of Bavaria, and the Austrian Empire, the sum of 1 franc 5 centimes per pound British, net weight.

2. For those for the Ionian Islands, Moldavia, Wallachia, and the towns of the Ottoman Empire enumerated in the said Article, the sum of 1 franc 60 centimes per pound British, net weight.

V. The letter bills and acknowledgments of receipt from the

The Post Office of France shall pay to the British Post Office as well for paid letters forwarded from France and Algeria addressed to the above-named British possessions, as for unpaid letters forwarded from the said possessions addressed to France and Algeria, the sum of 1 franc 62 $\frac{4}{5}$  centimes per 30 grammes of letters, net weight. On its side the British Post Office shall pay to the Post Office of France for paid letters forwarded from the British possessions of Victoria, New South Wales, Western Australia, Queensland, and New Zealand, addressed to France and Algeria, the same rate as for paid letters from the British colonies in America; and for unpaid letters forwarded from France and Algeria addressed to the said British possessions, the same rate as for unpaid letters addressed to the British colonies of America.

III. The ordinary letters coming from or addressed to the foreign countries, the correspondence of which is transmitted through France, which shall be comprised in the closed mails referred to in Article I preceding, shall be subject to the same conditions with respect to prepayment as the letters exchanged between those same foreign countries and the Island of Malta by way of France.

The Post Office of France shall pay to the Post Office of Great Britain, for such of the said letters as shall be fully prepaid by the inhabitants of the foreign countries, the correspondence of which is transmitted through France, the same rate as for letters coming from or addressed to France.

As to the rate to be paid by the British Post Office to the Post Office of France, as well for paid letters forwarded from the British possessions of Victoria, New South Wales, Western Australia, Queensland, and New Zealand, addressed to the foreign countries, the correspondence of which is transmitted through France, as for unpaid letters or letters charged with a French transit rate forwarded from the said countries, addressed to the above-named British possessions, it shall be the same as for letters exchanged between those same foreign countries and the Island of Malta, by way of France.

IV. The office of Marseilles and the travelling office from Lyons to Marseilles may deliver to the British offices of exchange named in Article I preceding, registered letters addressed to the British possessions of Victoria, New South Wales, Western Australia, Queensland, and New Zealand.

On their side, the above-named British offices of exchange may deliver to the office of Marseilles and to the travelling office from Marseilles to Lyons, registered letters addressed as well to France and Algeria as to the foreign countries to which the inhabitants of the above-mentioned British possessions shall have the right of forwarding by way of France ordinary letters paid to destination.

V. The forms of letter-bills, and acknowledgments of receipt of which the office of Marseilles and the travelling office from Lyons to Marseilles shall make use in their communications with the offices of Melbourne, Geelong, Sydney, Brisbane, King George's Sound, Auckland, and Wellington, shall be according to the pattern S annexed to the Additional Articles to the Detailed Regulations arranged between the Post Office of France and the Post Office of Great Britain, for the execution of the Postal Convention of the 24th September, 1856, signed at London the 25th November, 1861, and at Paris the 27th of the same month.\*

The forms of letter-bills and acknowledgments of receipt of which the offices of Melbourne, Geelong, Sydney, Brisbane, King George's Sound, Auckland, and Wellington, shall make use in their communications with the office of Marseilles and with the travelling office from Marseilles to Lyons, shall agree with the pattern above referred to.

VI. The provisions of the Articles XXIX, XXX, XXXII, XXXIV, XXXV, XXXVI, XXXVII, XXXVIII, XXXIX, XLI, XLV, XLVI, XLVII, XLVIII, and XLIX of the Detailed Regulations arranged between the Post Office of France and the British Post Office, for the execution of the Convention of the 24th September, 1856, signed at Paris the 27th October, 1856, and at London the 12th November, 1856, shall be applicable to the correspondence coming from or addressed to the British possessions of Victoria, New South Wales, Western Australia, Queensland, and New Zealand.

VII. The present Articles shall be considered as additional to the Detailed Regulations referred to in the preceding Article, and shall be carried into effect the 1st day of April, 1862.

Done in duplicate, and signed at London the 3rd day of January, 1862, and at Paris the 6th of the same month.

(L.S.) STANLEY OF ALDERLY.

(L.S.) ED. VANDAL.

*CONVENTION between the Post Office of Great Britain and the Post Office of Hamburgh.—Signed at Hamburgh, December 5, and at London, December 9, 1862.*

THE General Post Office of the United Kingdom of Great Britain and Ireland and the Post Office of Hamburgh, being desirous of regulating, by means of a new Convention, the communications by post between the United Kingdom and Hamburgh.

The Undersigned, Sir Rowland Hill, Knight Commander of the



Most Honourable Order of the Bath, Secretary of the General Post Office, furnished with full powers from the Right Honourable Lord Stanley of Alderley, Postmaster-General of the United Kingdom of Great Britain and Ireland, and Carl Gustav Hencke, Director of the Hamburg Post Office, furnished with full powers from the Senate of the Free Hanseatic Republic of Hamburg.

After having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following Articles :

ART. I. There shall be a periodical and regular exchange of correspondence between the United Kingdom of Great Britain and Ireland and Hamburg, as well for letters and book packets originating in the United Kingdom or in Hamburg, as for articles of the same nature originating in or destined for the countries the correspondence of which is forwarded through Great Britain or through Hamburg.

II. It is agreed that the British Post Office shall make use of the right which it possesses, under the Postal Convention between Great Britain and Belgium, of exchanging closed mails with the Hamburg Post Office through the Belgian territory.

The British Post Office shall pay to the Post Office of Belgium the transit postage due to that office for the transit of the letters contained in the closed mails in both directions exchanged between the United Kingdom and Hamburg, and the Hamburg Post Office shall repay to the British Post Office, at the expiration of every quarter, one half of the total amount paid to Belgium on account of such transit during the quarter.

III. Independently of the correspondence which shall be exchanged between the British Post Office and the Post Office of Hamburg by the route pointed out in the preceding Article, those offices may mutually forward from one to the other letters and book packets by merchant ships plying between the British ports of London, Hull, or Leith and Hamburg.

IV. Persons desirous of sending ordinary letters, that is to say, letters not registered either from the United Kingdom of Great Britain and Ireland to Hamburg, or from Hamburg to the United Kingdom of Great Britain and Ireland, whether *via* Belgium or direct by private ship, shall have the option of leaving the postage of such letters to be paid by the receivers or of paying the postage in advance to the place of destination.

V. The total amount of postage to be collected in the United Kingdom upon paid letters originating in the United Kingdom, addressed to Hamburg, as well as upon unpaid letters originating in Hamburg, addressed to the United Kingdom, whether conveyed *via* Belgium or direct by private ship, shall be as follows :

For every single paid letter, 6d.

For every single unpaid letter, 8*d*.

Reciprocally, the total amount of postage to be collected in Hamburgh upon paid letters originating in Hamburgh, addressed to the United Kingdom, as well as upon unpaid letters originating in the United Kingdom, addressed to Hamburgh, whether conveyed *viâ* Belgium or direct by private ship, shall be as follows :

For every single paid letter, 5 silver groschen.

For every single unpaid letter, 7 silver groschen.

VI. With respect to letters above the weight of a single letter, which is fixed at half an ounce in the United Kingdom, and at one zoll loth in Hamburgh, the British Office shall apply the following scale of progression for all letters the postage of which is collected in the United Kingdom, viz. :

For every letter exceeding half an ounce, and not exceeding one ounce, two rates of postage.

For every letter exceeding one ounce, and not exceeding two ounces, four rates of postage.

For every letter exceeding two ounces, and not exceeding three ounces, six rates of postage.

And so on, two rates being added for every additional ounce.

And the Hamburgh Office shall apply the following scale of progression for all letters the postage of which is collected in Hamburgh, viz. :

For every letter weighing a zoll loth, but under two zoll loth, two rates of postage.

For every letter weighing two zoll loth, but under three zoll loth, three rates of postage.

And so on, an additional rate of postage being charged for every zoll loth.

VII. The Post Offices of Great Britain and Hamburgh shall mutually account to each other for the portion of the postage which is due to each upon the letters despatched from one office to the other.

The British Post Office shall pay to the Hamburgh Post Office, for every single paid letter originating in the United Kingdom, addressed to Hamburgh, and conveyed *viâ* Belgium, the sum of 3*d*., and for every single unpaid letter originating in Hamburgh, addressed to the United Kingdom and conveyed *viâ* Belgium, the sum of 4*d*.

The British Post Office shall pay to the Hamburgh Post Office for every single paid letter originating in the United Kingdom addressed to Hamburgh and conveyed direct by private ship, the sum of 1½*d*., and for every single unpaid letter originating in Hamburgh, addressed to the United Kingdom, and conveyed direct by private ship, the sum of 2*d*.

The Hamburgh Post Office, on the other hand, shall pay to the British Post Office for every single paid letter originating in Hamburgh, addressed to the United Kingdom, and conveyed *via* Belgium, the sum of 2½ silver groschen, and for every single unpaid letter originating in the United Kingdom, addressed to Hamburgh, and conveyed *via* Belgium, the sum of 3½ silver groschen.

The Hamburgh Post Office shall pay to the British Post Office for every single paid letter originating in Hamburgh, addressed to the United Kingdom, and conveyed direct by private ship, the sum of 3 silver groschen 9 pfenning, and for every single unpaid letter originating in the United Kingdom, addressed to Hamburgh and conveyed direct by private ship, the sum of 5 silver groschen 3 pfenning.

For every letter above the weight of a single letter each office shall pay to the other an increased amount according to the scale of progression adopted in that country in which the postage is collected.

VIII. When the postage stamps affixed to a letter forwarded from the United Kingdom to Hamburgh, or from Hamburgh to the United Kingdom, shall represent a sum less than that required for its prepayment, at the rate of 6d, or 5 silver groschen, for a single letter, such letter shall be considered as unpaid, and charged as such, after deducting the value of those stamps.

The amount of the sums paid, as well by the senders of insufficiently paid letters as by the persons to whom those letters are addressed, shall be equally divided between the Post Office of Hamburgh and the British Post Office.

IX. In all cases in which a fee or other charge, in addition to the rates of postage specified in this Convention, is levied in Hamburgh upon the delivery of paid or unpaid letters originating in the United Kingdom, one half of the amount of such fee or other charge shall be paid to the British Post Office by the Post Office of Hamburgh.

Reciprocally, in the event of a fee or other charge, in addition to the rates of postage specified in this Convention, being at any time levied in the United Kingdom upon the delivery of paid or unpaid letters originating in Hamburgh, one-half of the amount of such fee or other charge shall be paid to the Post Office of Hamburgh by the British Post Office. It is understood, however, that this stipulation does not apply to the payments voluntarily made to letter carriers for delivering letters to persons residing beyond the prescribed limits within which a free delivery takes place in any town or village in the United Kingdom or in Hamburgh.

The two offices shall settle by mutual consent the mode in which the amount due to each as its share of the fees or additional charges

levied either in Hamburgh or in the United Kingdom is to be ascertained and brought to account.

X. The British Post Office shall pay to the Hamburgh Post Office for the territorial conveyance, through Hamburgh, of letters forwarded in open mails, in transit through Hamburgh to or from countries or colonies beyond, viz.:

For every single paid letter originating in the United Kingdom, and addressed to such countries or colonies, the sum of 2½ silver groschen.

For every single unpaid letter originating in such countries or colonies, and addressed to the United Kingdom, the sum of 3½ silver groschen.

The British Post Office shall further pay to the Hamburgh Post Office upon this class of letters, the foreign rate or rates paid by Hamburgh to the foreign country or colony to, from, or through which the letter is forwarded.

The conditions under which letters sent in transit through Hamburgh to or from the United Kingdom, shall be exchanged between the British Post Office and the Hamburgh Post Office, in conformity with the foregoing stipulations, are shown in Table A annexed to this Convention.

XI. The Hamburgh Post Office shall pay to the British Post Office for the territorial conveyance, through the United Kingdom, of letters forwarded in open mails, in transit through the United Kingdom, to or from countries or colonies beyond sea, viz.:

For every single paid letter originating in Hamburgh, and addressed to such countries or colonies, the sum of 3d.

For every single unpaid letter originating in such countries or colonies, and addressed to Hamburgh, 4d.

The Hamburgh Post Office shall further pay to the British Post Office upon this class of letters, the rate paid by the inhabitants of the United Kingdom for letters having the same origin or destination, from which rate, however, the sum of 1d. shall be first deducted in all cases where such rate includes the British inland rate.

The conditions under which letters sent in transit through the United Kingdom to or from Hamburgh, shall be exchanged between the Hamburgh Post Office and the British Post Office in conformity with the foregoing stipulations, are shown in Table B, annexed to this Convention.

XII. The British Post Office may deliver to the Hamburgh Post Office registered letters addressed to Hamburgh.

Reciprocally, the Hamburgh Post Office may deliver to the British Post Office registered letters addressed to the United Kingdom.

The postage of registered letters shall always be paid in advance.

A fee, or additional charge, the amount of which the despatching office shall fix, may be levied over and above the postage to which such letters are liable, but no postage, duty, or tax, other than that for delivery, referred to in Article IX, preceding, shall be levied on the delivery of registered letters forwarded from the United Kingdom of Great Britain and Ireland to Hamburgh or *vice versa*.

The British Office shall account to the Hamburgh Office for one-half the registration fee levied upon registered letters posted in the United Kingdom, and a like sum upon registered letters passing in transit through the United Kingdom addressed to Hamburgh; and the Hamburgh Office shall account to the British Office for one-half the registration fee levied upon registered letters posted in Hamburgh, and a like sum upon registered letters passing in transit through Hamburgh addressed to the United Kingdom.

XIII. The British Post Office may further deliver to the Hamburgh Post Office registered letters addressed to Denmark, Sweden, or Norway.

And the Hamburgh Post Office may further deliver to the British Post Office registered letters addressed to the United States of America, (including California and Oregon,) to Liberia, or to the British Colonies of India, Malta, Gibraltar, Hong Kong, the British West Indies, the Cape of Good Hope, St. Helena, Natal, Ceylon, Mauritius, New South Wales, Victoria, Tasmania, South Australia, Western Australia, Queensland, New Zealand, Newfoundland, Bermuda, Canada, New Brunswick, Nova Scotia, Prince Edward Island, Sierra Leone, Gambia, the Gold Coast, and the Falkland Islands.

Upon registered letters addressed to Denmark, Sweden, and Norway, the British Office shall account to the Hamburgh Office for one half the registration fee levied in the United Kingdom.

On its side, the Hamburgh Post Office shall account to the British Post Office, in addition to the postage due to the British Post Office, and to half the fee levied for the registration between Hamburgh and the United Kingdom, for the sum of 5 silver groschen upon every registered letter addressed to any of the countries or colonies above enumerated.

XIV. Subject to the following conditions, book packets, including under that designation newspapers and printed papers of every kind, may be sent from Hamburgh to the United Kingdom of Great Britain and Ireland, whether *via* Belgium or direct by private ship, at such rates of postage as may be fixed from time to time by the Hamburgh Post Office, and from the United Kingdom to Hamburgh at such rates of postage as may be fixed from time to time by the British Post Office:

1. The postage must be prepaid.

2. Book packets, insufficiently prepaid by means of postage stamps, shall be charged with double the amount of the deficiency. The produce of this charge shall be retained by the office which collects it.

3. Every packet must be sent either without a cover, or in a cover open at the ends or sides, so as to admit of the examination of its contents.

4. A book packet may contain any number of separate books or other publications, prints, or maps, whether printed, engraved, or lithographed, and whether on paper, parchment, or vellum, as also photographs on paper, parchment, or vellum; further, all legitimate binding, mounting, or covering of a book, publication, &c., or of a portion thereof, shall be allowed, whether such binding, &c., be loose or attached; as also rollers in the case of prints or maps, markers (whether of paper or otherwise), in the case of books, and, in short, whatever is necessary for the safe transmission of literary or artistic matter or usually appertains thereto; but no patterns or books of patterns (unless these consist merely of paper), shall be allowed.

5. No book packet may contain any writing, figures, or manual marks whatsoever.

6. No book packet must exceed two feet British in length, width, or depth, or 3 zoll pounds in weight.

XV. In exception to the stipulations of Article XIV preceding, it is agreed that ordinary corrections in writing shall be allowed in the case of book packets containing unbound proof-sheets only.

XVI. The British Post Office shall pay to the Post Office of Hamburgh, on such of the book packets mentioned in Article XIV preceding as shall originate in the United Kingdom of Great Britain and Ireland, as well as on prepaid book packets passing in transit through the United Kingdom, the sum of 5*d.* per zoll pound net weight.

The Post Office of Hamburgh on its side shall pay to the British Post Office, on such of the book packets mentioned in Article XIV preceding as shall originate in Hamburgh, as well as on prepaid book packets passing in transit through Hamburgh, the sum of 4 silver groschen per zoll pound net weight for the entire service to be rendered by the British Post Office, and 4*d.* per zoll pound net weight in repayment of the transit rate to be paid to Belgium.

XVII. No postage whatever shall be charged by the Hamburgh Post Office upon the delivery of book packets originating in the United Kingdom of Great Britain and Ireland, or upon prepaid book packets passing in transit through the United Kingdom, and addressed to Hamburgh; and in like manner, no postage whatever shall be charged by the British Post Office upon the delivery of book packets originating in Hamburgh, or upon prepaid book packets

passing in transit through Hamburg, and addressed to the United Kingdom of Great Britain and Ireland.

It is nevertheless understood that this provision does not in any way invalidate the right either of the British office or of the Hamburg office to refuse to deliver newspapers, or other printed papers, the importation of which may be prohibited by the laws and regulations of the country to which they are forwarded.

So long as any stamp duty, fee for delivery, or other charge is levied in Hamburg upon newspapers or other printed papers forwarded from the United Kingdom of Great Britain and Ireland, addressed to Hamburg and prepaid to destination, the whole amount of such stamp duty, fee for delivery, or other charge shall be paid over by the Hamburg Post Office to the British Post Office.

XVIII. The payments at the rate of 1*d.* per letter, and 1*d.* per four ounces for book packets on account of the sea conveyance of letters and book packets contained in the mails exchanged between the British Post Office and the Hamburg Post Office by means of private ships, shall be made to the commanders or owners of those ships as follows:

When the vessel employed is a Hamburg ship the payment shall be made by the Hamburg Post Office, and when the vessel employed is a British ship, the payment shall be made by the British Post Office.

The British Post Office shall reimburse the Hamburg Post Office the amount paid by the latter upon letters forwarded in either direction, as well as the amount paid upon book packets forwarded from the United Kingdom to Hamburg by a private ship belonging to Hamburg.

On its side, the Hamburg Post Office shall reimburse the British Post Office the amount paid by the latter upon book packets forwarded from Hamburg to the United Kingdom by a private ship belonging to the United Kingdom.

XIX. The Post Office of Hamburg shall pay to the British Post Office for the conveyance across the United Kingdom of Great Britain and Ireland of book packets in transit which the British Post Office shall convey through its territory on account of the Post Office of Hamburg the sum of 5*d.* per zoll pound, net weight.

The Post Office of Hamburg shall further pay to the British Post Office for the sea conveyance of book packets which shall be conveyed, on account of the Post Office of Hamburg, by British mail packets or by private ships leaving or arriving at the ports of the United Kingdom of Great Britain and Ireland, the sum of 5*d.* per zoll pound, net weight.

In consideration of the expense incurred by the British Post



Office for the conveyance of mails across the Isthmus of Suez or the Isthmus of Darien, the Post Office of Hamburg shall further pay to the British Post Office for book packets which the Post Office of Hamburg shall forward or receive by British mail packets and by way of either Isthmus, viz. :

For the conveyance of book packets across the Isthmus of Suez, a transit rate of 4*d.* per zoll pound, net weight.

For the conveyance of book packets across the Isthmus of Darien, a transit rate of 1*s.* per zoll pound, net weight.

Reciprocally, the British Post Office shall pay to the Post Office of Hamburg for the conveyance across the territory of Hamburg of book packets in transit which the Post Office of Hamburg shall convey through the territory of Hamburg, on account of the British Post Office, the sum of 5*d.* per zoll pound, net weight.

XX. The Post Office of Hamburg engages to grant the transit through the territory of Hamburg of the closed mails which the British Post Office may exchange in either direction, by way of Hamburg, with Denmark, Sweden, and Norway.

The British Post Office on its side engages to grant the transit through the British territory, as well as the conveyance by British mail packets or private ships departing from or arriving at ports of the United Kingdom of Great Britain and Ireland, of the closed mails which the Hamburg Office may exchange in either direction, by way of the United Kingdom of Great Britain and Ireland, with the United States of North America.

XXI. The British Post Office shall pay to the Hamburg Post Office for transit through the territory of Hamburg of letters and book packets comprised in the closed mails which the British office may send or receive, by way of Hamburg, in accordance with Article XX preceding, the sum of 4*d.* per ounce, British, of letters, net weight, and the sum of 5*d.* per zoll pound of book packets, also net weight.

XXII. The Hamburg Post Office shall pay to the British Post Office for transit through the territory of the United Kingdom of letters and book packets comprised in the closed mails which the Hamburg Office may send or receive by way of the United Kingdom, in accordance with Article XX preceding, the sum of 4*d.* per ounce, British, of letters net weight, and the sum of 5*d.* per zoll pound of book packets, also net weight.

XXIII. The Hamburg Post Office shall pay to the British Post Office for the sea conveyance of letters and book packets comprised in closed mails which the Hamburg Office may send or receive, in accordance with Article XX preceding, by British mail packets or private ships departing from or arriving at ports of the United Kingdom, the sum of 1*s.* per ounce, British, of letters, net

weight, and the sum of 5*d.* per zoll pound of book packets, also net weight.

XXIV. It is understood that the weight of dead letters of every kind, as well as that of the letter bills and other forms of account consequent on the exchange of correspondence conveyed in closed mails by one of the two offices on account of the other, and which are mentioned in the preceding Articles XXI, XXII, and XXIII, shall not be included in the weight of the letters and book packets, on which shall be assessed the rates fixed by the said Articles.

XXV. Ordinary registered letters and book packets mis-directed or mis-sent, shall be reciprocally returned without delay through the respective offices of exchange for the same weight and amount of postage at which they were charged by the despatching office to the other office.

The articles of a like nature addressed to persons who have changed their residence shall be mutually forwarded or returned, charged with the rate that would have been paid by the receivers.

XXVI. Ordinary or registered letters and book packets exchanged in ordinary mails between the two Post Offices of Great Britain and Hamburgh, which cannot be delivered, from whatever cause shall be mutually returned at the expiration of every month. Such of those articles as shall have been charged in the accounts shall be returned for the amount of postage which was originally charged by the sending office.

Those which were sent paid to destination shall be returned without postage or charge.

With regard to unpaid dead letters which have been conveyed in closed mails by one of the two offices on account of the other, they shall be admitted for the same weight and amount of postage which were charged in the transit accounts of the respective offices, on a simple declaration, or on nominal lists vouching for the amount of postage demanded when the letters themselves cannot be produced by the office which has to claim the amount of their postage from the corresponding office.

XXVII. The British Post Office and the Post Office of Hamburgh shall determine by mutual consent the direction of the correspondence reciprocally transmitted, and shall settle the arrangements relating to the form and the liquidation of the accounts arising out of the mutual transmission of correspondence, as well as every other matter of detail which may be necessary to ensure the execution of the stipulations contained in the present Convention.

The two offices shall have power to modify from time to time by mutual consent the arrangements made in virtue of this Article, as well as those fixed by all the preceding Articles.

XXVIII. Ordinary letters, registered letters, and book packets of

every kind exchanged between the two Post Offices of Great Britain and Hamburgh, which shall have been paid to destination, or for some part of the distance beyond the territory of the despatching office, shall be marked in a conspicuous part of the address with an impression in red ink of a stamp intended to denote to the respective offices of exchange the extent of prepayment.

The stamp P.D. shall be impressed on ordinary or registered letters as well as on book packets which shall be prepaid to destination.

The stamp P.P. shall be impressed on ordinary letters as well as on book packets which shall be prepaid for some part of the distance beyond the territory of the despatching office.

XXIX. Each of the mails exchanged between the Post Offices of the two countries shall be accompanied by a letter bill in which the despatching office shall state the nature of the articles which the mail contains, and the amount of postage due to each office. The office to which the mail shall be forwarded shall acknowledge its receipt to the despatching office by return of post.

The letter bills and acknowledgments of receipt for the mails sent from the Post Office of London to the Post Office of Hamburgh *viâ* Belgium, shall be according to the form C annexed to the present Articles.

The letter bills and acknowledgments of receipt for the mails sent from the Post Offices of London, Hull, and Leith to the Post Office of Hamburgh direct by private ship shall be according to the forms D annexed to the present Articles.

The letter bills and acknowledgments of receipt which the Office of Hamburgh shall use in its communications with the Post Offices of London, Hull, and Leith shall agree with the forms above described.

XXX. If it should happen on the usual days and hours for making up the mails that an office of exchange has not any letter to forward to the corresponding office, the despatching office shall nevertheless send, in the ordinary way, a mail which shall contain a blank letter bill.

XXXI. The British Post Office shall every month prepare separate accounts exhibiting the results of the transmission between the respective offices of exchange of the correspondence mutually exchanged, whether in ordinary mails or in closed mails. Such accounts shall be founded upon the acknowledgments of receipt of the respective offices during the month.

XXXII. The separate accounts described in the preceding Article shall be incorporated every month in general accounts showing the result of the transmission of the correspondence

exchanged either in ordinary or closed mails between the Post Office of Great Britain and the Post Office of Hamburg.

XXXIII. The general accounts mentioned in the preceding Article shall be compared and settled by the two offices, and the balance shall be paid at the end of every quarter by that office which shall be found to be indebted to the other.

XXXIV. The present Convention shall come into operation on the 1st day of January, 1863, and shall continue in force until one of the two Contracting Parties shall have announced to the other, one year in advance, its intention to terminate it.

During this last year the Convention shall continue to be fully and entirely carried into effect without prejudice to the settlement of the accounts between the British and Hamburg Offices after the expiration of the said term.

It is, however, reciprocally agreed that none of the provisions contained in Articles XX, XXI, XXII, XXIII, or XXIV of this Convention shall take effect until the British Office shall have announced to the Hamburg Office, that satisfactory arrangements arising out of this Convention have been concluded with the Post Offices of Austria and The United States of America.

All the agreements which now regulate the exchange of correspondence between the United Kingdom and Hamburg shall cease to have effect from the date of the day when the present agreement shall be put into execution.

Done in duplicate at Hamburg, the 5th day of December, and at London, the 9th day of December, 1862.

(LS) ROWLAND HILL.

(LS) C. G. HENCKE.

(A.)—TABLE showing the Conditions on which shall be exchanged in Ordinary Mails between the British Post Office and the Post Office of Hamburg Ordinary Letters despatched from the Countries the Correspondence of which is transmitted through Hamburg for Great Britain and Countries in transit through Great Britain, and vice versa.

COUNTRIES	Letters delivered by the British Office to the Hamburg Office			Letters delivered by the Hamburg Office to the British Office		
	Regulation as to Payment in Advance	To what Limit	Rate of Postage to be paid by the British Office to the Hamburg Office for an unpaid letter not exceeding 4 oz.	Regulation as to Payment in Advance	To what Limit	Rate of Postage to be paid by the British Office to the Hamburg Office for an unpaid letter not exceeding 4 oz.
			Sil. Gr.			Sil. Gr.
Denmark	Optional	Destination	4½ .. ..	Optional	Destination	5½
Sweden	Do.	Do.	7½ .. ..	Do.	Do.	8½
Norway	Do.	Do.	8½ in summer 9 in winter	Do.	Do.	9½ in summer 10 in winter

(B.)—TABLE showing the Conditions on which shall be exchanged in Ordinary Mails between the British Post Office and the Hamburg Post Office Ordinary Letters despatched from the Countries the Correspondence of which is transmitted through Great Britain for Hamburg and Countries via Hamburg and vice versa.

COUNTRIES.	Letters delivered by the British Office to the Hamburg Office.				Letters delivered by the Hamburg Office to the British Office.			
	Regulation as to Payment in advance.	To what Limit.	Rate of Postage to be paid by the Hamburg Office to the British Office for an unpaid Letter not exceeding one Zoll-loth.	Rate of Postage to be paid by the British Office to the Hamburg Office for a paid Letter not exceeding one Zoll-loth.	Regulation as to Payment in advance.	To what Limit.	Rate of Postage to be paid by the Hamburg Office to the British Office for an unpaid Letter not exceeding one Zoll-loth.	Rate of Postage to be paid by the British Office to the Hamburg Office for a paid Letter not exceeding one Zoll-loth.
	£.	§.	s. d.	s. d.	£.	§.	s. d.	s. d.
1.								
Antigua, Bahamas, Barbadoes, Bermuda, Cayman, Dominica, Grenada, Gibraltar, British Guiana, Honduras, Montserrat, Nevis, St. Christopher (St. Kitt's), St. Lucia, St. Vincent, Tobago, Jamaica, Trinidad, Tortola	Optional	Destination	0 0	0 0	Optional	Destination	0 0	0 0
Canada by Canadian packet Nova Scotia, New Brunswick, Prince Edward Island, States	Do.	Do.	0 0	0 0	Do.	Do.	0 0	0 0
Newfoundland	Do.	Do.	0 0	0 0	Do.	Do.	0 0	0 0
Academy, Liberia, Gold Coast, St. Helena, Sierra Leone, Cape of Good Hope, Natal, Umbria, Falkland Islands	Compulsory	Port of Embarkation	0 0	0 0	Compulsory	Port of Disembarkation	0 0	0 0
New Granada and Costa Rica	Optional	Destination	0 0	0 0	Optional	Destination	0 0	0 0
Pedagogy, Bony, Cameroun, Fernando Po, Gorée, Old Calabar, Venezuela, Wydah	Compulsory	Port of Embarkation	1 3	0 0	Compulsory	Port of Disembarkation	1 3	0 0
Brasil, Buenos Ayres, and Monte Video	Do.	Do.	1 3	0 0	Do.	Do.	1 3	0 0
Sanconver's Island	Do.	Do.	1 5	0 0	Do.	Do.	1 5	0 0
Hayti, Martinique, and Guadeloupe	Do.	Do.	0 0	0 0	Do.	Do.	0 0	0 0
Canary Islands	Optional	Destination	0 0	0 0	Optional	Destination	0 0	0 0

\* The rates marked thus \* increase according to two different principles. The sum of Threepence out of each rate is chargeable by the Zoll-loth and the remainder by the quarter ounce. The rates marked thus \* also increase according to two principles, twopenny being chargeable by the Zoll-loth and the remainder by the quarter ounce.



**POSTAL CONVENTION** *between the British and Haytian Governments.—Signed at Port au Prince, September 9, 1858.*

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THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the Emperor of Hayti, being desirous to regulate, by means of a Convention, the communications by post between the two Kingdoms upon a more liberal and advantageous basis for the inhabitants of the two countries,

The Undersigned, Henry Byron, Esquire, Her Majesty's Acting Consul-General in Hayti, furnished with full powers from the Postmaster-General of the United Kingdom of Great Britain and Ireland, and M. Jean Baptiste Alphonse Mirambeau, President of the Imperial Court of Commerce, and Member of the Council of Notables, and M. Joseph Sébastien Lacroix Laforestrie, merchant, furnished with full powers from the Minister of the Interior and of Agriculture of Hayti, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following Articles :

ART. I. The postage to be collected in the United Kingdom upon every letter not exceeding half an ounce British, in weight, posted in the United Kingdom and addressed to Hayti, or posted in Hayti and addressed to the United Kingdom, when conveyed by British Government vessels, or by vessels freighted or maintained by order of the British Government, shall be 6*d*.

And the postage to be collected in Hayti upon such letters shall be half a dollar (paper).

II. With respect to the charge upon letters above the weight of half an ounce British, the following scale of progression shall be applied in both countries, viz.:

For every letter above the weight of half an ounce and not exceeding one ounce, two rates of postage.

For every letter above one ounce and not exceeding two ounces, four rates of postage.

For every letter above two ounces and not exceeding three ounces, six rates of postage.

And so on, two rates being added for every additional ounce or fraction of an ounce.

III. The postage to be collected in the United Kingdom upon every newspaper posted in conformity with the regulations required to be observed, originating in the United Kingdom and addressed to Hayti, shall be 1*d*. per four ounces British, or fraction of four ounces British.

A like sum of 1*d*. per four ounces British, or fraction of four ounces British, shall be collected in the United Kingdom upon



every newspaper originating in Hayti, and addressed to the United Kingdom.

The postage to be collected in Hayti upon such newspapers shall be a quarter of a dollar (paper) per four ounces British, or fraction of four ounces British.

IV. Subject to the following conditions, book packets may be sent from the United Kingdom of Great Britain and Ireland to Hayti, and *vice versa* :

1st. Every packet must be sent either without a cover, or in a cover open at the ends or sides, so as to admit of the enclosures being removed for examination.

2nd. A book packet may contain any number of separate books or other publications, prints, or maps, and any quantity of paper, parchment, or vellum ; and the books or other publications, prints, maps, &c., may be either printed, written, or plain, or any mixture of the three. Further, all legitimate binding, mounting, or covering of a book, publication, &c., or of a portion thereof, shall be allowed, whether such binding, &c., be loose or attached, as also rollers, in the case of prints or maps ; markers (whether of paper or otherwise), in the case of books ; and in short, whatever is necessary for the safe transmission of literary or artistic matter, or usually appertains thereto ; but no patterns or books of patterns (unless consisting merely of paper) shall be allowed.

3rd. No book packet may contain any written letter, closed or open, or any enclosure sealed or otherwise closed against inspection ; nor must there be any letter, nor any communication of the nature of a letter, written in any such packet, or in or upon its cover.

4th. No book packet must exceed two feet British, in length, width, or depth.

V. The postage to be collected in the United Kingdom upon book packets posted in the United Kingdom and addressed to Hayti, or posted in Hayti and addressed to the United Kingdom, shall be as follows :

For a packet not exceeding four ounces (British) in weight, 3d. ;

For a packet above four ounces, and not exceeding eight ounces, 6d. ;

For a packet above eight ounces, and not exceeding one pound, 1s. ;

For a packet above one pound, and not exceeding one pound and a half, 1s 6d. ;

For a packet above one pound and a half, and not exceeding two pounds, 2s. ;

And so on, 6d. being added for each additional half pound, or fraction of half a pound.

The postage to be collected in Hayti upon such book packets shall be as follows :

For a packet not exceeding four ounces in weight, half a dollar (paper) ;

For a packet above four ounces, and not exceeding eight ounces, 1 dollar (paper) ;

For a packet above eight ounces, and not exceeding one pound, 2 dollars (paper) ;

For a packet above one pound, and not exceeding one pound and a half, 3 dollars (paper) ;

For a packet above one pound and a half, and not exceeding two pounds, 4 dollars (paper) ;

And so on, 1 dollar (paper) being added for each additional half pound, or fraction of half a pound.

VI. No charge beyond the rates specified in the foregoing Articles, whether for delivery or for any other service, shall be made either in the United Kingdom or in Hayti, upon letters, newspapers, or book packets exchanged between the two countries.

VII. The postage to be paid to the British Post Office for letters and book packets (including newspapers), conveyed by the British mail packets from a port in Hayti to any other port, without passing through the United Kingdom, shall be as follows :

For every letter not exceeding half an ounce British in weight, 4*d.* sterling ; and for letters of greater weight, an increased charge according to the scale laid down in Article II preceding.

For every book packet not exceeding four ounces British in weight, 1*d.* sterling ; and for book packets of greater weight, an increased charge according to the scale laid down in Article V preceding.

VIII. The British Post Office and the Post Office of Hayti shall have power to modify, from time to time, by mutual consent, the arrangements made in virtue of all the preceding Articles.

IX. The present Convention shall come into operation on the 1st day of January, 1859, and shall continue in force until one of the two Contracting Parties shall have announced to the other, one year in advance, its intention to terminate it.

In witness whereof the Undersigned have, in virtue of their aforesaid full powers, signed the present Convention in duplicate, and affixed thereto their seals.

Done at Port au Prince, this 9th day of September, 1858.

(L.S.) HENRY BYRON.

(L.S.) J. A. MIRAMBEAU.

(L.S.) LAFORESTRIE.

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**POSTAL CONVENTION** *between the British and Liberian Governments.—Signed in London, January 20, 1858.*

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THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of the Republic of Liberia, being desirous to promote the friendly relations existing between the two countries, and to regulate, by means of a Convention, the communication by post between the British dominions and the territories of the Republic, have named for this purpose, that is to say :

The Postmaster General of Her Britannic Majesty has named Rowland Hill, Esquire, Secretary of the General Post Office of the United Kingdom of Great Britain and Ireland, and his Excellency the President of the Republic of Liberia has named Gerard Ralston, Esquire, Consul General of the said Republic for the United Kingdom of Great Britain and Ireland, who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following Articles :

ART. I. The total amount of postage to be collected in the United Kingdom of Great Britain and Ireland upon ordinary letters posted in the United Kingdom addressed to Liberia, and conveyed between the United Kingdom and Liberia, by British mail packet, shall be as follows :

For every letter not exceeding the weight of half an ounce British, one rate of 6*d.*, of which 5*d.* shall represent the British postage, and 1*d.* the Liberian postage.

Reciprocally, the total amount of postage to be collected in the Republic of Liberia upon ordinary letters posted in Liberia, addressed to the United Kingdom of Great Britain and Ireland, and conveyed between Liberia and the United Kingdom by British mail packets, shall be as follows :

For every letter not exceeding the weight of half an ounce British, one rate of 12 cents United States' currency, of which 2 cents shall represent the Liberian postage, and 10 cents the British postage.

With respect to the charge upon letters above the weight of half an ounce British, the following scale of progression shall be adopted in both countries :

For every letter above the weight of half an ounce British, and not exceeding one ounce, two rates :

For every letter above the weight of one ounce British, and not exceeding two ounces, four rates ;

For every letter above the weight of two ounces British, and not exceeding three ounces, six rates ;

And so on, two rates being added for every additional ounce or fraction of an ounce.

The prepayment of these rates of postage shall be compulsory.

II. In exception to the concluding stipulation of Article I preceding, it is agreed that every letter posted in the United Kingdom of Great Britain and Ireland addressed to Liberia, or posted in Liberia addressed to the United Kingdom of Great Britain and Ireland, upon which letter an amount of postage insufficient for its prepayment has been paid, shall be forwarded to its destination provided the postage has been prepaid to the extent at least of one rate of 6*d.*, or 12 cents. Upon such letter there shall be collected by the office which delivers it the amount of the difference between the postage prepaid and the postage which should have been prepaid, together with a fixed additional rate of 6*d.*, or 12 cents as a fine.

The whole amount collected on the delivery of insufficiently paid letters shall be divided between the Post Offices of the two countries in the same proportion as the postage which is prepaid.

III. The Post Offices of the two countries shall mutually account to each other for the portion of the postage which is due to each upon the letters despatched from one office to the other.

The Post Office of Liberia shall pay to the British Post Office for all paid letters forwarded from Liberia addressed to the United Kingdom of Great Britain and Ireland the sum of 5*d.* for every letter not exceeding the weight of half an ounce.

The Post Office of Liberia shall further pay to the British Post Office the postage due to Great Britain for insufficiently paid letters forwarded to Liberia, according to the basis laid down in Article II preceding.

Reciprocally the British Post Office shall pay to the Post Office of Liberia for all paid letters forwarded from the United Kingdom addressed to Liberia the sum of 1*d.* for every letter not exceeding the weight of half an ounce.

The British Post Office shall further pay to the Post Office of Liberia the postage due to Liberia for insufficiently paid letters forwarded to the United Kingdom of Great Britain and Ireland, according to the basis laid down in Article II preceding.

IV. The Post Office of Liberia shall pay to the British Post Office for paid letters originating in Liberia, and transmitted by way of the United Kingdom of Great Britain and Ireland to British colonies or countries beyond sea, as well as for unpaid letters originating in British colonies or countries beyond sea, and forwarded by way of the United Kingdom addressed to Liberia, as follows:

1st. The sum of 5*d.* per single letter, viz., 4*d.* for the sea con-

veyance between the United Kingdom and Liberia, and 1*d.* for the transit over the territory of the United Kingdom :

2*ndly.* The sea rate paid by the British public upon letters exchanged between the United Kingdom and British colonies or foreign countries beyond sea :

3*rdly.* The foreign or colonial rate or rates paid by the British Post Office to the Post Offices of the foreign countries or British colonies to or from which the letters are forwarded.

Table A annexed to this Convention shows the total amounts to be accounted for by the Post Office of Liberia upon letters of this class.

V. The Post Office of Liberia shall pay to the British Post Office for every letter not exceeding the weight of half an ounce forwarded from a port in Liberia by the British mail packets to any other port on the west coast of Africa, or to any port at which those packets may touch on their voyage to and from the United Kingdom, the sum of 4*d.*, and for heavier letters in proportion, according to the scale laid down in Article I preceding.

For every newspaper forwarded in like manner the Post Office of Liberia shall pay to the British Post Office the sum of 1*d.*

VI. The British Post Office may send registered letters from the United Kingdom addressed to Liberia, and the Post Office of Liberia may, on its side, send registered letters from Liberia addressed to the United Kingdom of Great Britain and Ireland.

A fee, or additional charge, the amount of which the despatching office shall fix, may be levied and retained in the country from which the registered letters are despatched ; but no postage, duty, or tax whatever shall be levied on the delivery of registered letters forwarded from the United Kingdom of Great Britain and Ireland addressed to Liberia, or forwarded from Liberia addressed to the United Kingdom.

VII The Post Office of Liberia may also send to the United Kingdom of Great Britain and Ireland registered letters addressed to the following British colonies, viz :—Malta, Gibraltar, Hong Kong, the British West Indies, the Cape of Good Hope, Ceylon, South Australia, Western Australia, Canada, New Brunswick, Prince Edward Island, Natal, and Mauritius

Upon every registered letter so forwarded, the Post Office of Liberia shall account to the British Post Office for the sum of 6*d.*, in addition to the postage due to the British Post Office.

VIII. The addresses of registered letters sent from one country to the other shall be entered by the despatching office in the Table which is provided for the purpose in the Letter Bill, with such particulars as are pointed out by the said Table.

These letters shall be tied together with a cross string, the ends

of which shall be made fast to the bottom of the letter bill by means of a seal made of sealing-wax.

IX. Upon every British newspaper duly registered at the General Post Office for transmission abroad, posted in the United Kingdom of Great Britain and Ireland, addressed to Liberia, a postage of 1*d.* only shall be collected in advance by the British Post Office, and no charge whatever shall be made on its delivery in Liberia.

Reciprocally, upon every newspaper posted in Liberia addressed to the United Kingdom of Great Britain and Ireland, a postage of 2 cents only shall be collected in advance by the Post Office of Liberia, and no charge whatever shall be made on its delivery in the United Kingdom.

X. Upon every newspaper originating in any British colony or country beyond sea forwarded through the United Kingdom of Great Britain and Ireland, addressed to Liberia, and upon every newspaper originating in Liberia addressed to any British colony or country beyond sea, the Post Office of Liberia shall pay to the British Post Office the sum of 1*d.*; and, in addition, any foreign transit postage with which the newspaper may be chargeable when conveyed by way of any foreign country.

XI. Subject to the following conditions, book packets may be sent from the United Kingdom of Great Britain and Ireland to Liberia, and *vice versa*:

1st. The postage must be prepaid, but the despatching office may, if it think proper, permit a book packet, prepaid to the extent at least of one rate, to be forwarded to its destination; in such case the packet shall be charged with the deficiency, together with one additional rate of postage as a fine.

2ndly. Every packet must be sent either without a cover or in a cover open at the ends or sides, so as to admit of the inclosures being removed for examination.

3rdly. A book packet may contain any number of separate books or other publications, prints, or maps, and any quantity of paper, parchment, or vellum; and the books or other publications, prints, maps, &c., may be either printed, written, or plain, or any mixture of the three. Further, all legitimate binding, mounting, or covering of a book, publication, &c., or of a portion thereof, shall be allowed, whether such binding, &c., be loose or attached; as also rollers in the case of prints or maps, markers (whether of paper or otherwise) in the case of books; and in short, whatever is necessary for the safe transmission of literary or artistic matter, or usually appertains thereto; but no patterns or books of patterns (unless consisting merely of paper) shall be allowed.

4thly. No book packet may contain any written letter, closed or

open, or any enclosure, sealed or otherwise closed against inspection, nor must there be any letter, nor any communication of the nature of a letter, written in any such packet, or in or upon its cover.

5thly. No book packet must exceed two feet British in length, width, or depth.

XII. The postage to be collected by the despatching office upon the book packets referred to in the preceding Article shall be as follows :

1st. Upon book packets forwarded from the United Kingdom of Great Britain and Ireland to Liberia :

For a packet not exceeding four ounces, British, in weight, 3d.

For a packet weighing above four ounces, and not exceeding eight ounces, 6d.

For a packet weighing above eight ounces, and not exceeding one pound, 1s.

For a packet weighing above one pound, and not exceeding one pound and a half, 1s. 6d.

And so on, 6d. being added for each additional half pound or fraction of half a pound.

2ndly. Upon book packets forwarded from Liberia to the United Kingdom of Great Britain and Ireland :

For a packet not exceeding four ounces in weight, 6 cents.

For a packet weighing above four ounces, and not exceeding eight ounces, 12 cents.

For a packet weighing above eight ounces and not exceeding one pound, 24 cents.

For a packet weighing above one pound, and not exceeding one pound and a half, 36 cents.

And so on, 12 cents being added for each additional half pound or fraction of half a pound.

XIII. The British Post Office shall pay to the Post Office of Liberia one-third of the amount of postage collected in the United Kingdom of Great Britain and Ireland upon prepaid book packets forwarded to Liberia, and upon insufficiently paid book packets received from Liberia; and the Post Office of Liberia shall pay to the British Post Office two-thirds of the amount of postage collected in Liberia upon prepaid book packets forwarded to the United Kingdom, and upon insufficiently paid book packets received from the United Kingdom.

XIV. The British Post Office promises to use its good offices with the Post Office of The United States, in order to procure for the correspondence originating in The United States, and addressed to Liberia, and *vice versa*, when forwarded through the United Kingdom, the advantage of prepayment to destination on either side.



**XV.** Each of the mails exchanged between the Post Offices of the two countries shall be accompanied by a letter bill, in which the despatching office shall state the nature of the articles which the mail contains, and the amount of postage due to each office.

The office to which the mail shall be forwarded shall acknowledge its receipt to the despatching office by return of post.

The letter bills and acknowledgments of receipt shall be in accordance with the forms B, C, and D, annexed to the present Convention.

**XVI.** Dead letters, newspapers, and book packets which cannot be delivered, from whatever cause, shall be mutually returned monthly, for the same amount of postage which was originally charged by the sending office. Letters misdirected or mis-sent shall be reciprocally returned without delay; and letters addressed to persons who have changed their residence and returned to the country whence the letters were sent, shall in like manner be sent back, charged with the rate that would have been paid if the letters had been delivered at the first address.

**XVII.** The British Post Office shall prepare, at the end of every quarter, accounts exhibiting the results of the exchange of correspondence between the respective offices. Such accounts shall be founded upon the acknowledgments of receipt of the respective offices during the quarter.

After these accounts have been compared and settled by the two offices, the balance shall be paid in British money by that office which shall be found to be indebted to the other.

**XVIII.** The British Post Office and the Post Office of Liberia shall have power to modify from time to time, by mutual consent, the whole of the arrangements agreed upon by the present Convention.

**XIX.** The present Convention shall come into operation on the 1st day of April, 1858, and shall continue in force until one of the two Contracting Parties shall have announced to the other, one year in advance, its intention to terminate it.

**XX.** The present Convention shall be ratified, and the ratifications shall be exchanged as soon as possible.

Done in duplicate in London the 20th day of January, 1858.

(L.S.) ROWLAND HILL.

(L.S.) GERALD RALSTON.

(A.)—TABLE showing the Rates of Postage to be accounted for to the General Post Office, London, upon Letters posted in Liberia, and forwarded *via* the United Kingdom to the undermentioned Colonies and Foreign Countries, and *vice versa*.

COUNTRIES, &c.	Not exceeding 4 oz.	Above 4 oz. and not exceeding 1 lb.	Above 1 lb. and not exceeding 2 lb.	Above 2 lb. and not exceeding 3 lb.	Above 3 lb. and not exceeding 4 lb.	Above 4 lb. and not exceeding 5 lb.	Above 5 lb. and not exceeding 6 lb.	Above 6 lb. and not exceeding 7 lb.	Above 7 lb. and not exceeding 8 lb.	Above 8 lb. and not exceeding 9 lb.	Above 9 lb. and not exceeding 10 lb.	Every ounce after the first.
Algeria	0 10	1 8	2 1	2 8	3 1	3 8	4 1	4 8	5 1	5 8	6 1	6 8
Antigua	0 10	0 10	1 8	1 8	2 1	2 8	3 1	3 8	4 1	4 8	5 1	5 8
Austria (except Venetian Lombardy)	1 0	1 0	2 0	2 0	3 0	3 0	4 0	4 0	5 0	5 0	6 0	6 0
Azores	2 0	2 0	3 0	3 0	4 0	4 0	5 0	5 0	6 0	6 0	7 0	7 0
Baden	0 10	1 8	2 1	2 8	3 1	3 8	4 1	4 8	5 1	5 8	6 1	6 8
Bavaria	0 10	1 8	2 1	2 8	3 1	3 8	4 1	4 8	5 1	5 8	6 1	6 8
Belgium	0 8	0 8	1 4	1 4	2 0	2 0	2 8	2 8	3 4	3 4	4 0	4 0
Bermuda	0 10	0 10	1 8	1 8	2 1	2 8	3 1	3 8	4 1	4 8	5 1	5 8
Bhavia	2 4	2 4	3 8	3 8	4 8	4 8	5 8	5 8	6 8	6 8	7 8	7 8
Brazil	1 4	1 4	2 8	2 8	3 8	3 8	4 8	4 8	5 8	5 8	6 8	6 8
Bremen	1 0	1 0	2 0	2 0	3 0	3 0	4 0	4 0	5 0	5 0	6 0	6 0
Brunswick	1 0	1 0	2 0	2 0	3 0	3 0	4 0	4 0	5 0	5 0	6 0	6 0
Buenos Ayres	1 4	1 4	2 8	2 8	3 8	3 8	4 8	4 8	5 8	5 8	6 8	6 8
Cadiz	2 6	2 6	3 8	3 8	4 8	4 8	5 8	5 8	6 8	6 8	7 8	7 8
California	1 6	1 6	2 1	2 1	3 1	3 1	4 1	4 1	5 1	5 1	6 1	6 1
Canada	1 0	1 0	2 0	2 0	3 0	3 0	4 0	4 0	5 0	5 0	6 0	6 0
Canary Islands	2 1	2 1	3 4	3 4	4 4	4 4	5 4	5 4	6 4	6 4	7 4	7 4
Cape of Good Hope	0 10	0 10	1 8	1 8	2 1	2 8	3 1	3 8	4 1	4 8	5 1	5 8
Cape Verde Islands	2 1	2 1	3 4	3 4	4 4	4 4	5 4	5 4	6 4	6 4	7 4	7 4
Chili	2 4	2 4	3 8	3 8	4 8	4 8	5 8	5 8	6 8	6 8	7 8	7 8
Constantinople	0 10	1 8	2 1	2 8	3 1	3 8	4 1	4 8	5 1	5 8	6 1	6 8
Costa Rica	2 6	2 6	3 8	3 8	4 8	4 8	5 8	5 8	6 8	6 8	7 8	7 8
Cuba	2 6	2 6	3 8	3 8	4 8	4 8	5 8	5 8	6 8	6 8	7 8	7 8
Dardanelles	0 10	1 8	2 1	2 8	3 1	3 8	4 1	4 8	5 1	5 8	6 1	6 8
Denmark	1 2	1 2	2 4	2 4	3 6	3 6	4 8	4 8	5 10	5 10	6 12	6 12
Equator	2 4	2 4	3 8	3 8	4 8	4 8	5 8	5 8	6 8	6 8	7 8	7 8
Falkland Islands	0 10	0 10	1 8	1 8	2 1	2 8	3 1	3 8	4 1	4 8	5 1	5 8
France	0 8	0 11	1 7	1 10	2 11	2 11	3 12	3 12	4 13	4 13	5 14	5 14
Frankfort	1 0	1 0	2 0	2 0	3 0	3 0	4 0	4 0	5 0	5 0	6 0	6 0
Guatiz	0 10	3 2	1 2	2 6	3 6	3 6	4 12	4 12	5 12	5 12	6 12	6 12
Guatemala	0 10	1 8	2 1	2 8	3 1	3 8	4 1	4 8	5 1	5 8	6 1	6 8
Guinea	0 10	0 10	1 8	1 8	2 1	2 8	3 1	3 8	4 1	4 8	5 1	5 8
Greece	1 8	2 1	3 4	3 4	4 4	4 4	5 4	5 4	6 4	6 4	7 4	7 4
Grey Town (St. Juan de Nicaragua)	2 6	2 6	3 8	3 8	4 8	4 8	5 8	5 8	6 8	6 8	7 8	7 8
Guatemala	0 10	1 8	2 1	2 8	3 1	3 8	4 1	4 8	5 1	5 8	6 1	6 8
Hamburg	1 0	1 0	2 0	2 0	3 0	3 0	4 0	4 0	5 0	5 0	6 0	6 0
Hanover	1 0	1 0	2 0	2 0	3 0	3 0	4 0	4 0	5 0	5 0	6 0	6 0
Havre St. Domingo	1 8	2 1	3 4	3 4	4 4	4 4	5 4	5 4	6 4	6 4	7 4	7 4
Heligoland	0 10	0 10	1 8	1 8	2 1	2 8	3 1	3 8	4 1	4 8	5 1	5 8
Hesse	1 0	1 0	2 0	2 0	3 0	3 0	4 0	4 0	5 0	5 0	6 0	6 0
Holland	0 5	0 5	1 0	1 0	1 8	1 8	2 3	2 3	2 8	2 8	3 3	3 3
Homburg Hesse	1 0	1 0	2 0	2 0	3 0	3 0	4 0	4 0	5 0	5 0	6 0	6 0
Honduras	0 10	0 10	1 8	1 8	2 1	2 8	3 1	3 8	4 1	4 8	5 1	5 8
Ionian Islands	1 4	1 4	2 8	2 8	3 8	3 8	4 8	4 8	5 8	5 8	6 8	6 8
Jalla	10	1 3	2 1	2 8	3 1	3 8	4 1	4 8	5 1	5 8	6 1	6 8
La Meca	1 8	2 1	3 4	3 4	4 4	4 4	5 4	5 4	6 4	6 4	7 4	7 4
Lancashire	1 2	1 2	2 4	2 4	3 6	3 6	4 8	4 8	5 10	5 10	6 12	6 12
Lippe Detmold	1 0	1 0	2 0	2 0	3 0	3 0	4 0	4 0	5 0	5 0	6 0	6 0
Lubeck	1 0	1 0	2 0	2 0	3 0	3 0	4 0	4 0	5 0	5 0	6 0	6 0
Luxembourg (Duchy of)	1 0	1 0	2 0	2 0	3 0	3 0	4 0	4 0	5 0	5 0	6 0	6 0
Majorca	0 10	1 8	2 1	2 8	3 1	3 8	4 1	4 8	5 1	5 8	6 1	6 8
Maastricht	1 0	1 0	2 0	2 0	3 0	3 0	4 0	4 0	5 0	5 0	6 0	6 0
Mecklenburg-Schwerin	1 0	1 0	2 0	2 0	3 0	3 0	4 0	4 0	5 0	5 0	6 0	6 0
Mecklenburg-Schwerin	1 0	1 0	2 0	2 0	3 0	3 0	4 0	4 0	5 0	5 0	6 0	6 0
Mexico	2 6	2 6	3 8	3 8	4 8	4 8	5 8	5 8	6 8	6 8	7 8	7 8
Monaca	1 0	1 3	2 1	2 8	3 1	3 8	4 1	4 8	5 1	5 8	6 1	6 8
Moscow	1 1	1 9	2 10	2 10	3 11	3 11	4 12	4 12	5 13	5 13	6 14	6 14
Montevideo	1 4	1 4	2 8	2 8	3 8	3 8	4 8	4 8	5 8	5 8	6 8	6 8
Naples	1 8	2 1	3 4	3 4	4 4	4 4	5 4	5 4	6 4	6 4	7 4	7 4
Nassau (Grand Duchy of)	1 0	1 0	2 0	2 0	3 0	3 0	4 0	4 0	5 0	5 0	6 0	6 0
Natal	0 10	0 10	1 8	1 8	2 1	2 8	3 1	3 8	4 1	4 8	5 1	5 8
New Brunswick	0 10	0 10	1 8	1 8	2 1	2 8	3 1	3 8	4 1	4 8	5 1	5 8
Newfoundland	0 10	0 10	1 8	1 8	2 1	2 8	3 1	3 8	4 1	4 8	5 1	5 8
New Granada	1 4	1 4	2 8	2 8	3 8	3 8	4 8	4 8	5 8	5 8	6 8	6 8
New South Wales	0 10	0 10	1 8	1 8	2 1	2 8	3 1	3 8	4 1	4 8	5 1	5 8
New Zealand	0 10	0 10	1 8	1 8	2 1	2 8	3 1	3 8	4 1	4 8	5 1	5 8
Norway	1 8	1 8	2 4	2 4	3 4	3 4	4 4	4 4	5 4	5 4	6 4	6 4
Nova Scotia	0 10	0 10	1 8	1 8	2 1	2 8	3 1	3 8	4 1	4 8	5 1	5 8

Countries, &c.	Not exceeding 1/2 oz.	Above 1/2 oz. and not exceeding 1 oz.	Above 1 oz. and not exceeding 1 1/2 oz.	Above 1 1/2 oz. and not exceeding 2 oz.	Above 2 oz. and not exceeding 3 oz.	Above 3 oz. and not exceeding 4 oz.	Above 4 oz. and not exceeding 5 oz.	Above 5 oz. and not exceeding 6 oz.	Above 6 oz. and not exceeding 7 oz.	Above 7 oz. and not exceeding 8 oz.	Above 8 oz. and not exceeding 9 oz.	Above 9 oz. and not exceeding 10 oz.	Every ounce after the first.
Oldenburg ...	1 0	1 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Oregon ...	1 0	1 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Papal States ...	1 0	1 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Parma and Placentia ...	1 0	1 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Peru ...	2 4	2 4	4 8	4 8	4 8	4 8	4 8	4 8	4 8	4 8	4 8	4 8	4 8
Poland ...	1 0	1 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Portugal ...	2 0	2 0	4 0	4 0	4 0	4 0	4 0	4 0	4 0	4 0	4 0	4 0	4 0
Prince Edward Island ...	0 10	0 10	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8
Prussia ...	1 0	1 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Renas ...	1 0	1 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Rhodes ...	0 10	1 8	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Russia ...	1 0	1 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
St. Croix ...	0 10	0 10	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8
St. Eustatius ...	0 10	0 10	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8
St. Helena ...	0 10	0 10	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8
St. Martin's ...	0 10	0 10	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8
St. Thomas ...	0 10	0 10	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8
Salonica ...	0 10	1 8	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Sansoon ...	0 10	1 8	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Sandwich Islands ...	1 0	1 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Sardinia ...	0 10	1 8	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Saxe-Altenburg ...	1 0	1 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Saxe-Coburg Gotha ...	1 0	1 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Saxe-Meinungen ...	1 0	1 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Saxe-Weimar ...	1 0	1 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Saxony ...	1 0	1 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Schaumburg Lippe ...	1 0	1 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Schwarzburg Rudolstadt ...	1 0	1 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Schwarzburg Sonderhausen ...	1 0	1 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Scutari ...	1 0	1 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Sicilia (Two) ...	1 3	2 1	3 4	4 2	5 10	6 8	7 6	8 4	9 3	10 2	11 1	12 0	13 0
Smyrna ...	0 10	1 8	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
South Australia ...	0 10	0 10	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8
Spain (Cadix and Vigo excepted) ...	1 0	1 8	2 3	2 8	3 3	3 8	4 3	4 8	5 3	5 8	6 3	6 8	7 3
Surinam ...	0 10	0 10	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8
Sweden ...	1 8	1 6	3 0	3 0	3 0	3 0	3 0	3 0	3 0	3 0	3 0	3 0	3 0
Switzerland ...	0 10	1 8	2 1	2 6	3 9	4 2	4 7	5 0	5 5	6 0	6 5	7 0	7 5
Syria ...	0 10	1 8	2 1	2 6	3 9	4 2	4 7	5 0	5 5	6 0	6 5	7 0	7 5
Tasmania ...	0 10	0 10	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8
Tcheome ...	1 5	1 5	2 10	2 10	3 5	3 5	4 10	4 10	5 5	5 5	6 10	6 10	7 5
Tenedos ...	1 5	1 5	2 10	2 10	3 5	3 5	4 10	4 10	5 5	5 5	6 10	6 10	7 5
Trehozond ...	0 10	1 8	2 1	2 6	3 9	4 2	4 7	5 0	5 5	6 0	6 5	7 0	7 5
Tripoli (in Syria) ...	0 10	1 8	2 1	2 6	3 9	4 2	4 7	5 0	5 5	6 0	6 5	7 0	7 5
Tulcha ...	0 10	1 8	2 1	2 6	3 9	4 2	4 7	5 0	5 5	6 0	6 5	7 0	7 5
Tunis ...	0 10	1 8	2 1	2 6	3 9	4 2	4 7	5 0	5 5	6 0	6 5	7 0	7 5
Turkey (except the places specified) ...	1 0	1 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Tuscany ...	1 1	1 9	2 10	3 4	4 4	4 4	4 4	4 4	4 4	4 4	4 4	4 4	4 4
United States ...	1 1	1 1	2 2	3 2	4 4	4 4	4 4	4 4	4 4	4 4	4 4	4 4	4 4
Vancouver's Island ...	0 10	0 10	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8
Varna ...	0 10	1 8	2 1	2 6	3 9	4 2	4 7	5 0	5 5	6 0	6 5	7 0	7 5
Venetian Lombardy ...	1 1	1 9	2 10	3 4	4 4	4 4	4 4	4 4	4 4	4 4	4 4	4 4	4 4
Venezuela ...	1 4	1 4	2 8	2 8	3 4	3 4	4 4	4 4	4 4	4 4	4 4	4 4	4 4
Victoria ...	0 10	0 10	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8
Vigo (via Southampton) ...	2 8	2 8	5 0	5 0	10 0	10 0	10 0	10 0	10 0	10 0	10 0	10 0	10 0
West Indies (British) ...	0 10	0 10	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8
West Indies (Foreign), except Cuba, St. Thomas, St. Croix, St. Martin's and St. Eustatius ...	1 8	1 8	3 4	3 4	6 8	6 8	6 8	6 8	6 8	6 8	6 8	6 8	6 8
Western Australia ...	0 10	0 10	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8	1 8
Wurtemberg ...	0 10	1 8	2 1	2 6	3 9	4 2	4 7	5 0	5 5	6 0	6 5	7 0	7 5

## (B.)—LETTER BILL.

From \_\_\_\_\_ for \_\_\_\_\_ :

Despatch of \_\_\_\_\_ 185 \_\_\_\_.

TABLE No. 1.—ORDINARY LETTERS.

Credit of United Kingdom.	Credit of Liberia.	Description of Correspondence.	Statement by the British Office.	Verification by the Liberian Office.
—	1	Paid letters from the United King- dom for Liberia .. ..	£   s.   d.	£   s.   d.
1	—	Insufficiently paid letters from the United Kingdom for Liberia ..		
2	—	Unpaid letters from British Colo- nies and Foreign Countries, &c. for Liberia in transit through the United Kingdom .. ..		

TABLE No. 2.—NEWSPAPERS AND BOOK PACKETS.

Credit of United Kingdom.	Credit of Liberia	Description of Correspondence	Statement by the British Office	Verification by the Liberian Office.
3	—	Newspapers from British Colonies and Foreign Countries, &c for Liberia, in transit through the United Kingdom .. ..	£   s.   d.	£   s.   d.
—	2	Paid book packets from the United Kingdom for Liberia .. ..		
4	—	Insufficiently paid book packets from the United Kingdom for Liberia .. ..		

TABLE No. 3. REGISTERED LETTERS.

Number.	Origin	To whom addressed.	Destination.

## ACKNOWLEDGMENT OF RECEIPT.

From \_\_\_\_\_ for \_\_\_\_\_

Despatch of \_\_\_\_\_ 185\_\_\_\_,

TABLE No. 1.—ORDINARY AND REGISTERED LETTERS.

Credit of Liberia.	Credit of United Kingdom.	Description of Correspondence.	Statement by the Liberian Officer.	Verification by the British Office.
			£ s. d.	£ s. d.
—	1	Paid letters from Liberia for the United Kingdom .. ..		
1	—	Insufficiently paid letters from Liberia for the United Kingdom .. ..		
—	2	Paid letters from Liberia for British Colonies and Foreign Countries, &c. in transit through the United Kingdom .. ..		
—	8	Fees or additional charge upon registered letters. Postage accounted for under Article II ..		

TABLE No. 2.—NEWSPAPERS AND BOOK PACKETS.

Credit of Liberia.	Credit of United Kingdom.	Description of Correspondence.	Statement by the Liberian Office.	Verification by the British Office.
			£ s. d.	£ s. d.
—	4	Newspapers from Liberia for British Colonies and Foreign Countries, &c, in transit through the United Kingdom .. ..		
—	5	Book packets from Liberia for the United Kingdom .. ..		
2	—	Insufficiently paid book packets from Liberia for the United Kingdom .. ..		

TABLE No. 3.—REGISTERED LETTERS.

Number.	Origin.	To whom addressed.	Destination.

## (C.)—LETTER BILL.

From \_\_\_\_\_ for \_\_\_\_\_

Despatch of \_\_\_\_\_ 185\_\_\_\_\_

TABLE NO. 1.—ORDINARY AND REGISTERED LETTERS.

Credit of Liberia	Credit of United Kingdom	Description of Correspondence.	Statement by the Liberian Office.	Verification by the British Office.
			£ s. d.	£ s. d.
—	1	Paid letters from Liberia for the United Kingdom .. ..		
1	—	Insufficiently paid letters from Liberia for the United Kingdom .. ..		
—	2	Paid letters from Liberia for British Colonies and Foreign Countries, &c. in transit through the United Kingdom .. ..		
—	3	Fees or additional charge upon registered letters. (Postage accounted for under Article II) ..		

TABLE NO. 2.—NEWSPAPERS AND BOOK PACKETS.

Credit of Liberia	Credit of United Kingdom	Description of Correspondence	Statement by the Liberian Office	Verification by the British Office
			£ s. d.	£ s. d.
—	4	Newspapers from Liberia for British Colonies and Foreign Countries, &c. in transit through the United Kingdom ..		
—	5	Book packets from Liberia for the United Kingdom .. ..		
2	—	Insufficiently paid book packets from Liberia for the United Kingdom .. ..		

TABLE NO. 3.—REGISTERED LETTERS.

Number	Origin.	To whom addressed.	Destination.

# GREAT BRITAIN AND LIBERIA.

## ACKNOWLEDGMENT OF RECEIPT.

From \_\_\_\_\_ for \_\_\_\_\_ .

Despatch of \_\_\_\_\_ 185\_\_.

TABLE No. 1.—ORDINARY LETTERS.

Credit of United Kingdom,	Credit of Liberia.	Description of Correspondence.	Statement by the British Office.	Ver. b. Liberi
			£ s. d.	£
—	1	Paid letters from the United Kingdom for Liberia .. ..		
1	—	Insufficiently paid letters from the United Kingdom for Liberia ..		
2	—	Unpaid letters from British Colonies and Foreign Ceuntries, &c. for Liberia, in transit through the United Kingdom .. ..		

TABLE No. 2.—NEWSPAPERS AND BOOK PACKETS,

Credit of United Kingdom.	Credit of Liberia.	Description of Correspondence.	Statement by the British Office.	Veri b. Liberi
			£ s. d.	£
8	—	Newspapers from British Colonies and Foreign Countries, &c. for Liberia, in transit through the United Kingdom .. ..		
—	2	Paid book packets from the United Kingdom for Liberia .. ..		
4	—	Insufficiently paid book packets from the United Kingdom for Liberia .. ..		

TABLE No. 3.—REGISTERED LETTERS.

Number.	Origin.	To whom addressed.	Destinatio



(D.)—By British Packet.—LETTER BILL.

MAIL.

From \_\_\_\_\_ for \_\_\_\_\_ .

Despatch of \_\_\_\_\_ 185 \_\_\_\_\_.

	To the credit of the British Office.					
	Statement by the despatching office.			Verification by the receiving office.		
	£	s.	d.	£	s.	d.
Letters. . . . .						
Newspapers . . . . .						
Total . . . . .						

**AGREEMENT** between the Government of Great Britain and the Government of the Uruguay, relative to the Postal Communication between the two Countries, by means of British Government Vessels, or of other Vessels freighted or maintained by the British Government.\*—Signed at Monte Video, November 28, 1853.

**ART. I.** The British postage (to be levied in the United Kingdom,) on letters and other packets posted in the United Kingdom and forwarded to the Republic of the Uruguay, or brought from the Republic of the Uruguay, and delivered in the United Kingdom, when conveyed by British Government vessels or by other vessels freighted or maintained by the British Government, and the Monte Videan postage (to be levied in the Republic of the Uruguay) on letters and other packets forwarded in like manner to the Republic of the Uruguay shall be as follows, viz.:

1st. On every letter not exceeding half ounce in weight, a British postage of 1s. and a Monte Videan postage of 1 real and 50 reis; above half ounce, but not exceeding one ounce, 2s. British, and 3 reales Monte Videan; above one ounce but not exceeding two ounces, 4s. and 6 reales; above two ounces, but not exceeding 3 ounces, 6s. and 9 reales; and so on, 2s. British and 3 reales Monte Videan being charged for every additional ounce or fraction of an ounce.

2nd. On every newspaper a postage of 1d. British and 10 reis Monte Videan.

3rd. On every printed book, including printed magazine, review,

\* Signed also in the Spanish language.

and pamphlet, not exceeding eight ounces in weight, a postage of 6*d.* British and 75 reis Monte Videan ; above eight ounces but not exceeding one pound, 1*s.* and 1 real and 50 reis ; above 1 pound but not exceeding two pounds, 2*s.* and 3 reales ; above two pounds but not exceeding three pounds, 3*s.* and 4 reales and 50 reis ; and so on, 1*s.* British, and 1 real and 50 reis Monte Videan being charged for every additional pound or fraction of a pound.

II. No postage whatever shall be charged in the Republic of the Uruguay on letters, newspapers, books, or other postal packets forwarded from Monte Video to the United Kingdom by British Government vessels or by other vessels freighted or maintained by the British Government.

III. In order to enjoy the foregoing privilege of lower rates of postage, a newspaper, if sent from the United Kingdom, must have been printed and published there ; and if sent from the Republic of the Uruguay, must have been printed and published in that Republic : moreover, the newspaper must either have no cover, or a cover open at the ends ; must contain no inclosure, and must have no writing or other mark but the name and address of the person to whom it is sent.

The following regulations must be observed with respect to printed books :

1st. The packet must either have no cover or a cover open at the ends.

2nd. It must not exceed two feet in length, width, or depth.

3rd. It must contain a single printed document only (whether book, pamphlet, or printed paper), the several sheets or parts thereof, where there are more than one, being sewed or bound together ; and there must be no letter, open or sealed, nor any inclosure whatever.

4th. There must be no writing or other marks in or upon the book, &c., or upon the cover, except the simple address.

The printed name and address of the sender, however, being attached to the book is not to be regarded as an infringement of this regulation.

IV. The official despatches of Her Majesty's Chargé d'Affaires at Monte Video, and of all other British functionaries in the Republic of Uruguay, shall be made up in bags separate from the ordinary and mercantile correspondence, and shall be exempt from all charge for postage in the Post Offices of the Republic.

These bags of despatches shall be delivered and received by the commanders of the British mail packets at the British Consulate in Monte Video, without the intervention of the Monte Videan Post Office.

V. Every mail intended for despatch from the Republic of the

Uruguay by a British mail packet, must be delivered at the office of the British Packet Agent in Monte Video at least one hour before that appointed for the departure of the packet.

VI. This Agreement shall come into operation on the 1st day of March, 1854, and shall thenceforth continue in force, subject to a power in either Government to terminate it by giving a notice of one year.

Done in duplicate at Monte Video, this 28th day of November, in the year of our Lord 1853.

(L.S.) LENNON HUNT.

(L.S.) JUAN JOSE AGUIAR.

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*ADDITIONAL POSTAL CONVENTION between the Government of Great Britain and the Government of the Oriental Republic of the Uruguay.\*—Signed at Monte Video, March 31, 1859.*

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THE Government of the Oriental Republic of the Uruguay, considering it positively expedient for the commercial relations existing between the Republic and the United Kingdom of Great Britain and Ireland that the postal communication between the two countries should be regulated, and desirous of contributing, as far as they are able, to the establishment of that communication upon more liberal and advantageous bases than those actually in force, have resolved to adopt the reduction which Her Britannic Majesty's Chargé d'Affaires, in the name and with the sanction of his Government, has proposed to that of the Republic, according to the stipulations of the additional Convention, the tenor of which, copied word for word, is as follows:

ART. I. The postage to be collected in the United Kingdom upon every letter not exceeding half an ounce British in weight, posted in the United Kingdom and addressed to the Uruguay, or posted in the Uruguay and addressed to the United Kingdom, when conveyed by British Government vessels, or by vessels freighted or maintained by order of the British Government, shall be 6*d*.

II. No postage whatever shall be collected in the Uruguay upon letters forwarded from the Uruguay to the United Kingdom by British Government vessels or by vessels freighted or maintained by order of the British Government, whether such letters are addressed to the United Kingdom or are transmitted through the United Kingdom to British colonies or foreign countries.

\* Signed also in the Spanish language.

For every letter not exceeding half an ounce British in weight, forwarded from the United Kingdom and delivered in the Uruguay, the postage to be collected in the Uruguay shall be 50 reis.

III. With respect to the charge upon letters above the weight of half an ounce British, the following scale of progression shall be applied in both countries, viz. :

For every letter above the weight of half an ounce and not exceeding one ounce, two rates of postage.

For every letter above one ounce and not exceeding two ounces, four rates of postage.

For every letter above two ounces and not exceeding three ounces, six rates of postage.

And so on, two rates being added for every additional ounce or fraction of an ounce.

IV. The postage to be collected in the United Kingdom upon every newspaper posted in conformity with the regulations required to be observed, originating in the United Kingdom and addressed to the Uruguay, shall be 1*d.* per four ounces British or fraction of four ounces British.

A like sum of 1*d.* per four ounces British or fraction of four ounces British shall be collected in the United Kingdom upon every newspaper originating in the Uruguay and addressed to the United Kingdom.

V. No postage whatever shall be collected in the Uruguay upon newspapers forwarded from the Uruguay to the United Kingdom by British Government vessels, or by vessels freighted or maintained by order of the British Government, whether such newspapers are addressed to the United Kingdom, or are transmitted through the United Kingdom to British colonies or foreign countries.

Upon every newspaper forwarded from the United Kingdom and delivered in the Uruguay, the postage to be collected in the Uruguay shall be 10 reis per four ounces or fraction of four ounces.

VI. Subject to the following conditions, book packets may be sent from the United Kingdom of Great Britain and Ireland to the Uruguay, and *vice versa* :

1st. Every packet must be sent either without a cover or in a cover open at the ends or sides, so as to admit of the enclosures being removed for examination.

2nd. A book packet may contain any number of separate books or other publications, prints or maps, and any quantity of paper, parchment or vellum; and the books or other publications, prints, maps, &c., may be either printed, written, or plain, or any mixture of the three. Further, all legitimate binding, mounting, or cover-

ing of a book, publication, &c., or of a portion thereof, shall be allowed, whether such binding, &c., be loose or attached, as also rollers, in the case of prints or maps; markers (whether of paper or otherwise), in the case of books; and, in short, whatever is necessary for the safe transmission of literary or artistic matter, or usually appertains thereto; but no patterns or books of patterns (unless consisting merely of paper) shall be allowed.

3rd. No book packet may contain any written letter, closed or open, or any enclosure, sealed or otherwise closed against inspection; nor must there be any letter, nor any communication of the nature of a letter, written in any such packet, or in or upon its cover.

4th. No book packet must exceed two feet British in length, width, or depth.

VII. The postage to be collected in the United Kingdom upon book packets posted in the United Kingdom and addressed to the Uruguay, or posted in the Uruguay addressed to the United Kingdom, shall be as follows:

For a packet not exceeding four ounces British in weight, 8*d*.

For a packet above four ounces and not exceeding eight ounces, 6*d*.

For a packet above eight ounces and not exceeding one pound, 1*s*.

For a packet above one pound and not exceeding one pound and a half, 1*s*. 6*d*.

For a packet above one pound and a half and not exceeding two pounds, 2*s*.

And so on, 6*d*. being added for each additional half pound or fraction of half a pound.

VIII. No postage whatever shall be collected in the Uruguay upon book packets forwarded from the Uruguay to the United Kingdom, whether such book packets are addressed to the United Kingdom or are transmitted through the United Kingdom to British colonies or foreign countries.

Upon book packets forwarded from the United Kingdom and delivered in the Uruguay, the postage to be collected in the Uruguay shall be as follows:

For a packet not exceeding four ounces in weight, 25 reis.

For a packet above four ounces and not exceeding eight ounces, 50 reis.

For a packet above eight ounces and not exceeding one pound, 100 reis.

For a packet above one pound and not exceeding one pound and a half, 150 reis.

For a packet above one pound and a half and not exceeding two pounds, 200 reis.

And so on, 50 reis being added for each additional half pound or fraction of half a pound.

IX. No charge beyond the rates specified in the foregoing Articles, whether for delivery or for any other service, shall be made in the United Kingdom or in the Uruguay upon letters, newspapers, or book packets, exchanged between the two countries.

X. The postage to be paid to the British Post Office for letters and book packets (including newspapers), conveyed by the British mail packets from Monte Video or any other port in the Uruguay to any other port, without passing through the United Kingdom, shall be as follows :

For every letter not exceeding half an ounce British in weight, 4*d.* sterling. and for letters of greater weight, an increased charge according to the scale laid down in Article III preceding.

For every book packet not exceeding four ounces British in weight, 1*d.* sterling, and for book packets of greater weight an increased charge according to the scale laid down in Article VII preceding.

XI. Every mail intended for despatch from the Republic of Uruguay by a British mail packet must be delivered at the office of the British packet agent in Monte Video, at least one hour before that appointed for the departure of the packet.

XII. The official despatches of Her Majesty's Chargé d'Affaires at Monte Video, and of all other British functionaries in the Republic of Uruguay, shall be made up in bags separate from the ordinary or mercantile correspondence, and shall be exempt from all charge for postage in the Post Offices of the Republic.

These bags of despatches shall be delivered and received by the Commanders of the British mail packets at the British Consulate in Monte Video without the intervention of the Monte Videan Post Office.

XIII. The British Post Office and the Post Office of the Uruguay shall have power to modify, from time to time, by mutual consent, the arrangements made in virtue of all the preceding Articles.

XIV. The present Convention shall come into operation on the 1st of July next, and shall continue in force until one of the two Contracting Parties shall have announced to the other, one year in advance, its intention to terminate it.

In witness whereof we have signed the present Convention in two copies of the same tenor at Monte Video, this 31st day of the month of March, in the year of our Lord, 1859.

(L.S.) EDW. THORNTON.

(L.S.) FREDERICO NIN REYES.

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**POSTAL CONVENTION** *between the British and Venezuelan Governments.—Signed at Caracas, May 1, 1861.*

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THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Government of the Republic of Venezuela, being desirous to regulate, by means of a new Convention, the communications by post between the two countries upon a more liberal and advantageous basis for the inhabitants of the two countries;

The Undersigned, Frederick Doveton Orme, Esquire, Companion of the most Honourable Order of the Bath, Her Britannic Majesty's Chargé d'Affaires to the Republic of Venezuela, furnished with full powers from the Postmaster-General of the United Kingdom of Great Britain and Ireland, and Hilarion Nadal, Secretary of State for Foreign Affairs of Venezuela, furnished with full powers from the Government of Venezuela;

After having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following Articles:

ART. I. The postage to be collected in the United Kingdom upon every letter not exceeding half an ounce British in weight, posted in the United Kingdom and addressed to Venezuela or posted in Venezuela and addressed to the United Kingdom, when conveyed by British Government vessels or by vessels freighted or maintained by order of the British Government, to and from St. Thomas or any other place that may be hereafter designated as a packet station, shall be 6*d*.

And the postage to be collected in Venezuela upon every letter not exceeding one half ounce British in weight, posted in Venezuela and addressed to the United Kingdom, shall be  $\frac{1}{2}$  a rial or 6 $\frac{1}{2}$  cents currency.

The same postage to be collected in Venezuela upon letters for British colonies or possessions.

No postage to be collected in Venezuela upon letters originating in and coming from Great Britain and British colonies and possessions.

II With respect to the charge upon letters above the weight of half an ounce British, the following scale of progression shall be applied in both countries, viz.:

For every letter above the weight of half an ounce and not exceeding one ounce, two rates of postage

For every letter above one ounce and not exceeding two ounces, four rates of postage.

For every letter above two ounces and not exceeding three ounces, six rates of postage.

\* Signed also in the Spanish language.



And so on, two rates being added for each additional ounce, or fraction of an ounce.

III. The postage to be collected in the United Kingdom upon every newspaper, posted in conformity with the regulations required to be observed, originating in the United Kingdom and addressed to Venezuela, shall be 1*d.* per four ounces British, or fraction of four ounces British.

A like sum of 1*d.* per four ounces British, or fraction of four ounces British, shall be collected in the United Kingdom upon every newspaper originating in Venezuela and addressed to the United Kingdom.

The postage to be collected in Venezuela upon such newspapers coming from Great Britain and other foreign countries, shall be half a cent currency per four ounces British, or fraction of four ounces British.

A like sum of  $\frac{1}{2}$  a cent currency per four ounces British, or fraction of four ounces British, shall be collected in Venezuela upon newspapers originating in Venezuela and addressed to Great Britain and other foreign countries.

IV. Subject to the following conditions, book packets may be sent from the United Kingdom of Great Britain and Ireland to Venezuela, and *vice versa*.

1st. Every packet must be sent either without a cover, or in a cover open at the ends or sides, so as to admit of the enclosures being removed for examination.

2nd. A book packet may contain any number of separate books or other publications, prints, or maps, and any quantity of parchment, paper, or vellum, and the books or other publications, prints, maps, &c. may be either printed, written, or plain, or any mixture of the three. Further, all legitimate binding, mounting, or covering of a book, publication, &c., or of a portion thereof, shall be allowed, whether such binding, &c., be loose or attached, as also rollers in the case of prints or maps, markers (whether of paper or otherwise) in the case of books, and, in short, whatever is necessary for the safe transmission of literary or artistic matter, or usually appertains thereto; but no patterns or books of patterns (unless consisting merely of paper) shall be allowed.

3rd. No book packet may contain any written letter, closed or open, or any enclosure sealed or otherwise closed against inspection, nor must there be any letter nor any communication of the nature of a letter written in any such packet, or in or upon its cover.

4th. No book packet must exceed two feet British in length, width, or depth.

V. The postage to be collected in the United Kingdom upon book packets posted in the United Kingdom and addressed to

Venezuela, or posted in Venezuela and addressed to the United Kingdom, shall be as follows :

For a packet not exceeding four ounces British in weight, 3*d*.

For a packet above four ounces and not exceeding eight ounces, 6*d*.

For a packet above eight ounces and not exceeding one pound, 1*s*.

For a packet above one pound and not exceeding one pound and a half, 1*s*. 6*d*.

For a packet above one pound and a half and not exceeding two pounds, 2*s*.

And so on, 6*d*. being added for each additional half pound or fraction of half pound.

The postage to be collected in Venezuela upon such book packets shall be as follows :

For a packet not exceeding four ounces in weight, 1½ cents currency (about a halfpenny).

For a packet above four ounces and not exceeding eight ounces, 2½ cents.

For a packet above eight ounces and not exceeding one pound, 5 cents.

For a packet above one pound and not exceeding one pound and a half, 7½ cents.

For a packet above one pound and a half and not exceeding two pounds, 10 cents.

And so on, 2½ cents (about 1*d*.) being added for each additional half pound or fraction of half pound.

VI No charge beyond the rates specified in the foregoing Articles, whether for delivery or for any other service, shall be made, either in the United Kingdom or in Venezuela, upon letters, newspapers, or book packets conveyed between the two countries respectively.

VII. The postage to be paid to the British Post Office for letters and book packets (including newspapers) conveyed by the British mail packets from a port in Venezuela to any other port without passing through the United Kingdom, shall be as follows :

For every letter not exceeding half an ounce British in weight, 4*d* sterling; and for letters of greater weight, an increased charge according to the scale laid down in Article II preceding.

For every book packet not exceeding four ounces British in weight, 1*d*. sterling; and for book packets of greater weight, an increased charge according to the scale laid down in Article V preceding.

VIII. The postage to be paid in British Post Offices upon letters and newspapers which pass through the United Kingdom

to or from foreign countries or British colonies shall be the same as laid down in Articles I and III of this Convention, augmented by the postage which is chargeable for the correspondence between Great Britain and such foreign countries or British colonies.

IX. The British Post Office and the Post Office of Venezuela, with the consent of their respective Governments, shall have power to modify, from time to time, by mutual consent, the arrangements made in virtue of all the preceding Articles.

X. The present Convention shall come into operation after having been approved by the Government of Her Britannic Majesty and by the Congress of Venezuela, and shall then be substituted for the Convention of the 28th February, 1844,\* and shall continue in force until one of the two Contracting Parties shall have announced to the other, one year in advance, its intention to terminate it.

In witness whereof the respective Plenipotentiaries have signed, in duplicate, in English and Spanish, the present Convention, and have affixed thereto their respective seals.

Done at Caracas, the 1st day of May in the year of our Lord, 1861.

(L.S.) FREDERICK DOVETON ORME.

(L.S.) HILARION NADAL.

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*ACT of the British Parliament, "for the Prevention and Punishment of Offences committed by Her Majesty's Subjects within certain Territories adjacent to the Colony of Sierra Leone."*

[24 & 25 Vict. cap. 31.]

[July 11, 1861.]

WHEREAS the inhabitants of the territories adjacent to the colony of Sierra Leone, extending to the Rio Grande or Bulola to the north of the colony, to the River Gallinas to the south of the colony, and for 500 miles to the east of the colony, being in an uncivilized state, offences against the persons and property of such inhabitants and others are frequently committed by Her Majesty's subjects within such territories with impunity: for remedy thereof, be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. The laws which are now, or which shall hereafter be, in force in the colony of Sierra Leone, for the punishment of crimes therein committed, shall be, and the same are hereby extended and

\* Vol. XXXIII. Page 90.

declared applicable to all Her Majesty's subjects within any territory adjacent to the said colony, and being within the limits as aforesaid; and every crime or offence committed by any of Her Majesty's subjects within any such territory, in contravention of any such laws, shall be cognizable in any such courts, and shall be inquired of, tried, and prosecuted, and on conviction punished, in such and the same manner as if the same had been committed within the said colony.

II. And whereas it is necessary to prevent as far as may be the commission of crimes by Her Majesty's subjects within such territories as aforesaid, and to provide for the arrest, commitment, and bringing to punishment of any of Her Majesty's subjects by whom any such crimes may be perpetrated: be it therefore enacted, that it shall be lawful for the Governors of the said colony to address to any one or more of Her Majesty's subjects, being within or about to resort to any such territories as aforesaid, one or more commission or commissions authorizing him or them to exercise within such territories the office of a magistrate for the purpose of preventing the perpetration therein by any of Her Majesty's subjects of any crimes or offences, and for the purpose of arresting, committing to custody, and bringing to trial before such Courts as aforesaid, any of Her Majesty's subjects charged on sufficient evidence before him or them with the commission of any such crimes or offences within any such territories; and it shall also be lawful to the Governor of the said colony, by any such commission or commissions as aforesaid, to define with all practicable and convenient precision the local limits within which the jurisdiction of any such magistrate or magistrates shall be so exercised, and to which it shall so extend, and within the limits so to be defined as aforesaid, every such magistrate shall have, exercise, and enjoy all such powers and authorities over and in reference to Her Majesty's subjects inhabiting or being within the same as shall by any such commission or commissions be specially granted: provided always, that no such powers or authorities shall be so granted by any such commission or commissions, save only such as shall be necessary for accomplishing the purposes aforesaid with promptitude and effect

III. All such commissions as aforesaid shall be made to continue in force only during Her Majesty's pleasure, and the Governor for the time being of the said colony shall be and he is hereby bound and required to transmit a copy of every such commission by the earliest opportunity to Her Majesty, through one of Her Majesty's Principal Secretaries of State, for her approbation or disallowance.

IV. Nothing herein or in any such commission or commissions

contained shall extend or be construed to extend to invest Her Majesty, her heirs or successors, with any claim or title whatsoever to dominion or sovereignty over any such territories as aforesaid, or to derogate from the rights of the tribes or people inhabiting such territories, or of chiefs or rulers, to such sovereignty or dominion.

V. For the purposes of this Act, any person lawfully administering the government of the said colony shall be deemed and taken to be the Governor thereof.

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*TREATY of Peace and Friendship, between Salvador and Honduras.—Signed at Santa Rosa, March, 25, 1862.*

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[Ratifications exchanged at Santa Rosa, May 15, 1862.]

(Translation.)

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THE Republics of Honduras and Salvador recognizing the necessity, daily becoming more urgent, of rendering their fraternal union firm and effective by establishing clear and distinct rules to signify for the time to come the character of their relations, by means of a Treaty or Convention of intimate Friendship and Alliance, the Government of Honduras has conferred full powers on the Licentiate Don Carlos Madrid, Secretary of State, and on Don Francisco Alvarado, and the Government of Salvador, on General Don Mariano Hernandez, its Minister Plenipotentiary and Envoy Extraordinary, who, after duly exchanging the said full powers, have agreed upon the following Articles :

ART. I. There shall be a perfect, firm, and inviolable peace, and sincere amity, between the Republics of Honduras and Salvador throughout the whole extent of their territories, and between their citizens respectively without distinction of persons or places.

II. The two Contracting Republics will for ever continue united in the bonds of the most indissoluble fraternity, affording each other, upon all occasions, mutual aid and succour.

III. The Republics of Honduras and Salvador, being desirous, not only to live in harmony the one with the other, but also to preserve their respective rights as independent nations in due respect and regard, form an alliance offensive and defensive in cases of external war, and engage to afford each other every kind of means of assistance whenever they may be demanded by the Government requiring them for the preservation of internal order.

IV. The Republics of Honduras and Salvador in their design of uniting themselves in the most fraternal and intimate manner, since

circumstances prevent them from establishing a Government in common, engage mutually not to accord particular privileges to other nations either of the old or new continent, or even of Central America, with regard to commerce and navigation, which shall not be immediately extended, by the very fact, to the other Party, which shall enjoy the same privileges if the concession be a free one, or be subject to the same terms, if it be a conditional one.

V. The two Contracting Republics, being desirous not to expose their amity to the risks of foreign questions—considering themselves under all circumstances friends and sisters—engage that they will in no case take contrary sides, the one against the other, in matters of any nature that may be brought before them by another nation or Government, unless it be in their defence in the terms of Article III of this Convention.

VI. The two Contracting Republics mutually promise each other without any reserve or exception, to deliver up to each other persons guilty of common offences, and to give effect to the requisitions properly drawn up, that may be communicated by their respective Governments: in civil causes or preliminary proceedings, the petition and the summons, shall be inserted in the requisition; in cases for execution, the warrant and the writ; in sequestrations and embargoes, the reason of the sequestration and the writ; in criminal cases the documents proving the fact, and those at least that go far to prove the guilt of the accused. If any case beyond those already defined should occur, the writ shall be inserted in the requisition.

VII. The two Contracting Republics engage that the legal deeds, and the public and official documents of the one shall be considered as legal in the other, provided that they be in accordance with the laws of the Republic in which they have been issued, and duly verified by the Minister of Foreign Affairs of that State.

VIII. The individuals of one Republic who have found asylum in the other, on account of political opinions, shall be centralised by the Republic which grants the asylum, in order to avoid disturbances that might occur upon the frontier.

IX. If, contrary to what may be expected, any cause for war should unfortunately occur between the two Contracting Republics, war shall not be declared until the following formalities have been complied with —1. The State which considers itself offended must forward its complaint, and the offender send its explanations in return; at least two despatches or notes from either side passing between them to this effect. 2. The Governments at this stage will bring the subject to the notice of the respective Legislatures in order that the one may declare whether it is a *casus belli*, and the other whether satisfaction ought to be given. 3. These declarations having been made according to the rules of international law, the

Governments engage in the most positive manner to appoint one or two arbitrators, with a third in case of disagreement, who shall settle the question. The arbitrators must necessarily be some of the Governments of Central America. 4. The award of the arbitrator or arbitrators, must be religiously fulfilled by both Governments as a sacred engagement, affecting the most valued rights of society, the preservation of peace and harmony with a sister Republic. 5. If unfortunately one of the two Governments should refuse to appoint an arbitrator, or to fulfil the award of the arbitration, the Government that has to complain shall address an *ultimatum* to the other, which shall answer it within the fixed term of two months; after that, whether the appointment of an arbitrator, or the fulfilment of the award be refused, or if no answer be given, the offending Government has a right to declare war; but hostilities must not commence until 3 months after the notification of the declaration.

X. This Convention shall be ratified by the Government of El Salvador, which is duly authorized for the purpose, within ten days, and by the Sovereign legislative body of Honduras, at its next ordinary meeting. This city is appointed for the exchange of the ratifications which is to take place 15 days after the last ratification.

In witness whereof we sign this in duplicate in the city of San Rosa, on the 25th of March, in the year of our Lord, 1862, and of our Independence 41.

(L.S.) MARIANO HERNANDEZ

(L.S.) CARLOS MADRID.

(L.S.) FRANCISCO ALVARADO.

*DECREE of the Government of Honduras, for the Extradition of Delinquents coming from Belize.—Santa Rosa, May 1862.*

(Translation.)

THE President of the Republic of Honduras.—Whereas, the Chamber of Deputies has decreed and the Senate has approved the following:

ART. I. Persons guilty of ordinary crimes, refugees from the settlement of Belize, shall be handed over to the proper authorities when they shall be demanded by reclamations in conformity with the laws in force in that settlement; it being requisite that the documents should first have the order of the Supreme Court of Justice.

II. This decree shall be in force so long as reciprocity exist on the part of the authorities of the said settlement in conformity



the Decree of its Legislature of 1859, and until a special Treaty is concluded with Great Britain.

Wherefore, let it be executed.

Santa Rosa, May 17th, 1862.

CARLOS MADEID.

VICTORIANO CASTELLANOS.

***CUSTOMS UNION CONVENTION between Austria and  
Modena.—Vienna, October 15, 1857.***

[Ratifications exchanged at Vienna, November 24, 1857.]

HIS Imperial and Royal Majesty the Emperor of Austria, &c., and His Royal Highness the Archduke of Austria, Duke of Modena, &c., taking into consideration that the Customs Union Convention concluded between the Empire of Austria and the Duchies of Modena and Parma, on the 9th of August, 1852,\* expires on the 31st of October, 1857, and being animated with the desire of upholding the advantages accruing to their subjects from a Customs Union, without, however, maintaining a complete and general uniformity of Customs legislation, have come to the resolution of continuing the Customs Union between their respective States on more simple principles, and for this purpose have appointed as their Plenipotentiaries, that is :

HIS Majesty the Emperor of Austria, Dr. Karl v. Hock, Knight, Departmental Chief and Vice-President of the Imperial Royal Ministry of Finance, Knight of the Austrian Order of Leopold, Officer of the French Legion of Honour, Knight of the Prussian Order of the Red Eagle, second class, Commander of the Orders of the Crown of Bavaria and of Wurtemberg, of the Order of Albert of Saxony, of the Order of William of Electoral Hesse, of the Order of Lewis of Grand Ducal Hesse, of the Order of the Zähringian Lion of Baden, and of the Orders of Constantine and Lewis of Parma, and

HIS Royal Highness the Duke of Modena, Count Theodore Bayard de Volo, Chambellan to His Royal Highness, Knight of the Royal Order of the Eagle of Este, and of the Imperial Austrian Order of the Iron Crown, Knight, second class, of the Russian Order of Stanislaus, Commander of the Portuguese Order of Our Lady of the Conception, Knight, first class, of the Order of Constantine, and decorated with the second class Cross of the Order of St. George of Parma, Resident Minister of His Royal Highness

\* Vol. XLII. Page 1236.

the Duke of Modena at the Court of His Imperial and Royal Majesty ;

Who, after exchanging their full powers, and finding them in good and due form, have agreed upon the following Articles :

ART. I. A Customs Union shall continue to exist between the whole territory of the Dukedom of Modena and the Austrian Customs territory, including the Principality of Liechtenstein.

This Union will be closer in regard to the Dukedom of Modena and the Lombardo-Venetian Kingdom, than in regard to the rest of the Austrian Customs territory, and the aforesaid Principality.

And a Customs line will also in future separate the territories united in the customs system from the other adjoining States, from the sea, and from the Austrian territory not included in the Customs.

II. There will also be a general Customs Tariff of the Union, and so long as no new tariff is agreed upon, the Austrian Customs tariff of 5th December, 1853, with the alterations made therein by common consent up to the 31st of October, 1857, shall be considered as the General Tariff.

A revision of this General Tariff can only be undertaken by common consent, and in like manner any required alterations in the preambles, in the systematical division, and in the denominations of the tariff can only be introduced by reciprocal agreement.

Nevertheless, in consideration of the particular circumstances of the two said States, each may adopt a Special Tariff for the following goods :

a. For those which are intended exclusively for its own territory ;

b. For those which are exported immediately from its territory into foreign parts ;

c. For those which traverse its territory only, without touching that of the other State.

As the Modenese Tariff lately prepared is already known, that will hold good for the Dukedom of Modena, with limitation of its application to the above mentioned cases. This Special Tariff will come into operation on the 1st of November, 1857.

Austria will for the present adhere to the General Tariff, even in the aforesaid cases.

Each of the two Union States is at liberty to adopt hereafter a new Special Tariff, or to alter the existing one for such cases, in so far as they regard itself ; but notice thereof must be given to the other Union State, 3 months before any such modification comes into operation.

III. As, therefore, various rates of importation duties may exist in the two States, it is agreed that foreign goods which are first imported into one and afterwards proceed into the other State,

are only to pay the higher of the respective Customs rates, and not the amount of both; so that those goods which at their first importation, either came in duty free, or had only to pay the lower duty, will, on their further transmission into the other State, have to pay either the entire higher duty, or the additional sum to make up the amount thereof, or else the Customs rate of the General Tariff, when the exceptional higher Customs rate does not exceed the latter.

2. The foreign duty-paying goods here mentioned are also to be free from exportation dues in the intermediate traffic.

3. Moreover foreign goods which, in order to reach that one of the Customs Union States for which they are intended, have to be taken through the territory of the other Union State, are not to be subject to any payment of duty in the latter.

4. And foreign goods which are taken through the territories of both the Union States will only have to pay the transit duty once, and that only in such cases and to such extent as the General Union Tariff prescribes.

5. Native goods of one of the two States, or goods paying duty therein, which are exported abroad through the territory of the other State shall be subject to no transit duty in the latter, and if the General Tariff puts an exportation duty on them, that duty is to be paid in the State from whence they are exported.

6. And native goods of one of the two States which are imported therefrom into the other Union State for consumption, as a rule are subject neither to an export duty in the one, nor to an import duty in the other.

7. These stipulations are also applicable to those goods which are not sent direct, but through an interjacent foreign territory, or by sea, from one Union State into the other, always, however, under the process of escort vouchers.

IV. In order that foreign goods paying duty in one of the two States may, on their importation into the other Union State, be treated as duty free, or admitted on the simple payment of the difference between the exceptional lesser duty of one State and the general one of the Union, or the higher duty of the other State, one of the following circumstances must be shown:

a. That the goods in question, of whatever kind they may be, are such as, though not issued from the official warehouses, are direct therefrom, after payment of duty and being furnished with regular escort vouchers, introduced from one of the Union States into the other;

b. That the goods in question are of undoubted foreign origin, such as are enumerated in the Appendix A;

c. That they are goods bearing an official stamp which, accord-

ing to the regulations of the State whence they come, shows that the duty has been paid ;

d. That the goods consist of refined sugar in loaves from inland manufactories which are only engaged in refining colonial sugar ; and that they always bear the mark respectively prescribed.

The stamps and marks above-mentioned are to be communicated by one State to the other one month before they are brought into use ; those already in use are to be considered as known on both sides.

Other foreign goods than those designated in this Article, charged with duty in one State of the Union, are subject to the respective import duties, on their transit into the other State.

V. 1. As the variety of the special duties to be paid in the cases provided for in Article II creates the necessity of divers exceptions from the rule by which the goods produced in one Union State are to be duty free on importation into the other, it has been considered expedient to show in Appendix B what goods are to be treated according to that rule.

2. On the other hand, the Articles enumerated in Appendix C will be admitted at the favouring duties set down therein, and these can only be increased by common agreement.

3. And if the State to whose productions the aforesaid stipulated duties are applicable should grant greater facilities to similar goods generally, or for a length of boundary next the sea, or next the other Italian countries, or next a State not belonging to the Customs Union, those facilities shall *ipso facto*, and without reciprocity, be simultaneously extended to the like goods of the other Union State.

4. If, moreover, the like goods on their importation from abroad into the State that transmits them, enjoy a favouring duty, which is less than the duty of the General Union Tariff, or than the higher duty of the Special Tariff introduced into the State of their destination on the 1st of November, 1857, then the latter State shall be at liberty, on giving previous notice, instead of treating such goods as duty free, to charge them with an intermediate duty ; or, as the case may be, to raise the stipulated intermediate duty, the amount in either case to be equal to the abatements of duty made by the other party. If this right be exercised, four weeks notice of any such alteration must be publicly advertised before it comes into operation.

5. With regard to those articles which neither enjoy exemption from duty, nor a favouring duty, they are subject, on their transit from one Union State into the other, to the fixed ordinary importation duty on goods coming from foreign countries. But all favours in regard to duty on such articles, which one Union State may

hereafter grant to other foreign States, must *ipso facto* also be extended to the other Union State; provided that,

a. The importation duties in the latter State are not less than the duty of the General Union Tariff, or than the higher duty of the Special Tariff, introduced on the 1st of November, 1857, into the State which has made the aforesaid concession; or that,

b. The Union State, to which the favouring duty is to be extended, on the importation of goods of the aforesaid description into its territory, levies such a duty as, united with the reduced importation duty of the other Union State, shall reach an amount which is not less than the unabated special duty of the other State, or, when no such special duty exists, than the duty of the General Union Tariff.

VI. Silk, rags, timber, and unwrought Carrara marble, are subject even in the intermediate traffic to the same export duties as in the traffic with the Italian States not belonging to the Customs Union.

VII. Exemption from duty on the goods described in the foregoing Articles IV and V, as subject to an importation duty in the intermediate traffic, will also be reciprocally granted in the following cases:

a. On goods (excepting articles of consumption) which are capable of permanent marking, or can be so exactly described as to ensure their identification, and are brought from one Union State to the fairs and markets of the other on chance of sale; and on goods (capable of permanent marking or of exact description) which are not yet brought into free traffic, but are retained in the official warehouses under the supervision of the Customs authorities, when sent from one Union State into the other on chance of sale; in both cases in so far as such goods are brought back unsold within the period to be previously settled according to Appendix D;

b. On cattle taken to the markets of the other State, and brought back thence unsold;

c. On corn for grinding, rice for husking, wax for bleaching, and bells for recasting;

d. On articles capable of a permanent marking which shall ensure the undoubted recognition of their identity, when they are taken from one Union State to the other for repair, working, or improvement, and after the aforesaid purposes have been effected, the said articles are taken back again with observance of the regulations prescribed for such matters.

The exemption from duty conceded in a, b, and d, is, however, on condition that the essential quality of the goods therein named be not altered, and that the identity of the articles sent out and brought back again be undoubted.

VIII. The High Contracting Parties will allow both the foreign

goods on which the duty has not been paid, and the home productions of the other State which have not as yet fulfilled the prescribed Custom-House regulations, to be deposited in the official warehouses of all the Custom-Houses and depôts especially authorized for that purpose, without restriction to any fixed period, under the regulations existing in each of the two States, and on payment of the dues established therein; which regulations and dues are not to be respectively stricter or higher than those hitherto in force. Nevertheless, each of the two Union States is at liberty to revoke, at pleasure, any special powers exceptionally granted to its own individual departments.

Moreover, the High Contracting Parties bind themselves, in those cases wherein, for the facilitation of the traffic, on account of the change of conveyance, the unloading and re-loading, and the temporary unofficial warehousing of such consigned goods is acknowledged by them to be necessary, to allow the same without any difficulty, subject only to due supervision.

IX. 1. Goods, whether native or foreign, already charged with duty, and which, according to Articles IV and V, pass from one Union State into the other duty free, or on payment of a favouring duty, cannot be charged with any other accessory dues except the fees for sealing, and the warehousing charges.

2. On other goods, such accessory dues are to be paid as are chargeable according to the regulations in force in each of the two Union States.

3. On transit goods which touch both States in their way, the accessory dues shall not be higher, nor the respective regulations more severe, than those now in force.

4. Moreover, goods arriving from the other State of the Union shall not be more heavily burdened with accessory dues than the most favoured goods imported immediately from abroad.

X. 1. The Governments of the Customs Union will still retain the tobacco, salt, and gunpowder monopolies under their own management, and will take care that the present proportion between the consumption prices of these articles of monopoly, on both sides shall, as far as possible, remain unaltered.

Should either of the two Governments find it necessary, for the prevention of smuggling and the protection of its own interests, to make a reduction of price, it is to give the other Customs Union Government 3 months notice thereof before the reduction comes into operation, or to suspend its operation for the same length of time, within a zone of 4 miles from the frontiers.

2. Salt, tobacco leaves, manufactured tobacco, and gunpowder, which are imported into the Customs Union territory on account of one of the Contracting States, shall be free from all Customs

dues, and shall not require any licence for their importation, if they are accompanied with regular vouchers, showing that they belong to Government as aforesaid, and are subject to the common process of the escort voucher.

3. The Duchy of Modena may also procure tobacco from Hungary without the necessity of a licence or payment of any dues, but with the observation of those precautions which the Austrian Government takes in such cases.

4. Articles of monopoly from one Union State, which are exported through the territory of the other State, to countries not belonging to the Union, are indeed to be subject to the process of the escort voucher, but their transit must not be forbidden nor made dependent on previous licence, nor charged with any tax.

5. Consumption-licences, in favour of private persons, for articles of State-monopoly, cannot be granted by either of the two Union States, except for importation into its own territory and in favour of the inhabitants thereof, or of travellers, and this under such restrictions as are prescribed by the respective existing laws.

The necessity for a previous special licence with regard to the transit of articles of State-monopoly still exists for those which shall touch both Union States in their way, and this licence is to be issued by the competent authorities of that State whose territory they first pass through, and is also to be available for the other State. Notice thereof is, however, to be given to the financial authorities of the latter State in due time.

XI The reciprocal facilities agreed upon in Article II admit of the establishment of an intermediate Customs line between the Lombardo-Venetian Kingdom and the Duchy of Modena. This will serve:

*a.* For avouching the time of the transit of foreign goods from one Union State into the other; for collecting, when requisite, the supplementary amount of duty thereon, or obtaining the proper security when the goods, on their first importation into the other State, shall not have paid the higher duty, or that of the General Union Tariff

*b.* For avouching, likewise, the time of the transit of those productions of the two Union States, which are not exempt, in the intermediate traffic, from the export or import duties, as the case may be, and for collecting those duties, or obtaining security for them, if this has not already been done, or has not to be done at the Custom-House of the place of destination.

The determination of the Customs roads for the traffic between the two Union States, as well as the stations and the powers of the Customs officers, on the intermediate line form the contents of the



Appendix E (in the mean time each of the two Union States is at liberty to settle the organization of those offices); and it is reserved for future arrangement to unite the respective boundary Customs offices in one and the same locality whenever convenient circumstances may allow of it.

XII. With reference to everything not expressly provided for by this Treaty, both the Empire of Austria and the Duchy of Modena remain perfectly free and independent in the choice and adoption of their Customs laws and institutions, their penal fiscal laws, and the measures for the defence of their frontiers as well as in the establishment and arrangement of their own executive offices at the frontiers next foreign countries; in determining the powers thereof, and in the appointment and remuneration of their own officials and functionaries both for the Custom-Houses and for the financial boards.

The Union States will, however, reciprocally communicate to each other by the 1st of November, 1857, at latest, those laws and regulations touching the Customs Union effected by the present Treaty, which they mean either to retain or to bring into operation at the aforesaid date; and, besides that, a notification of those Customs offices which are either to come into operation or to continue in operation on the 1st of November, 1857, as well as of their powers. In like manner they will in future reciprocally communicate to each other any alterations which they may find it necessary to introduce in the above-mentioned laws, regulations, and arrangements before such alterations come into operation.

Notwithstanding the aforesaid freedom of the two Parties, the following joint regulations for the Customs' management shall subsist in the Lombardo-Venetian Kingdom, and in the Duchy of Modena, viz.:

a. As to the essential requirements of the declarations and the duty vouchers.

b. With regard to the regulations respecting the escort vouchers in general, and respecting the improved proceedings for goods under seal of the receptacles, or under a perfectly secure seal.

For these regulations reference is made to the Appendix F.

XIII. By the present Customs Union Treaty the two Contracting States undertake the obligation of reciprocally protecting their Customs revenues and their State monopolies, and for this purpose the Customs Cartel contained in the Appendix G has been agreed upon.

XIV. 1. There will be no community of Customs revenues between the two States of the Customs Union. Each of those States will therefore receive the duties collected at its Customs offices on its own account alone, and will provide for the mainten-

ance of those offices, as well as of their functionaries, at its own expense.

2. Whenever the duty paid in one of the Union States upon foreign goods charged with duty, which are transmitted thence into the other Union State, is higher than the duty fixed in the State for which the goods are intended, the Government of the former State will make good to the latter the amount of this (lesser) duty. If, on the other hand, the duty paid in the State which transmits the goods is less than that which is in operation in the State of their destination, or is of equal amount, then the Government of the transmitting State will pay over the whole amount of its own duty to the State of destination.

3. As a deposit of cash made in one of the two Union States as security for Customs must be returned to the party when the particulars are arranged even at an office of the other State, so the amount will have to be reimbursed to the Government of the latter by the former.

4. And as it is established as a principle that the transit duty belongs to that State in whose territory the transit terminates, so, if the State wherein the transit began shall have levied the duty thereon, it shall be bound to reimburse it to the other State.

5. In the cases contemplated in the foregoing sections 2, 3, and 4, the sole fact of the transit of the goods, shown by means of the extracts respecting them from the register entries of the intermediate offices, shall constitute the respective debt and demand of the two Union States.

6. The amounts collected or disbursed by one Union State on account of the other, by reason of the Customs Cartel will also be included in the reciprocal settlement of accounts.

7. These settlements will take place half-yearly by way of official correspondence between the Finance Ministry of Modena and the Imperial Royal Finance Prefecture at Milan, on the basis of the above-mentioned extracts and official reports. The first settlement will comprise a period of 8 months.

8. The formularies agreed upon both for the registers of the intermediate offices from which the aforesaid extracts are to be taken, and for the half-yearly settlement, appear in Appendix H.

9. The payments will be made at the expense of the indebted State according to the rate of exchange, and in the currency of the State which has to receive them.

The amounts recognized as payable by one of the Union States to the other, according to the conditions of this Treaty, must be paid within one month from the date of the acknowledgment of the debt, and the payment must not be put off or delayed upon any pretext whatever, not even on the ground of any compensation.

XV. Each of the two Contracting States will communicate to the other all desirable explanations respecting the state of the Customs accounts, and the statistics of mercantile movements, and will be ready to redress any complaints made by the other concerning improper behaviour at the offices, or on the part of the officials and persons employed in the fiscal guard, or concerning the non-observance of the Treaty, admitting, however, such justifications as there may be in the case.

And for any matters which cannot be arranged by means of the respective subordinate officials, or of which the settlement is beyond their competency, the Finance Ministers of the two Union States will enter into immediate correspondence thereon, and the decisions which shall be agreed upon between them, shall become as binding as if they had been arranged in the present Treaty.

XVI. Goods of one of the two Union States which may have entered the trade of the other State, either duty free or on payment of the intermediate duty, are to be treated in the latter State in all respects as home goods. Neither of the two Union States shall adopt any arrangements with regard to its own territory which may limit or restrict the reciprocal traffic between them more than is agreed to in the present Treaty. The most ample freedom in the reciprocal traffic in corn and other provisions shall therefore continue as heretofore, and shall also be maintained in times of scarcity, excepting only in case the two Union Governments should not be able to agree upon the adoption of common measures towards foreign countries in regard to the Lombardo-Venetian Kingdom and the Duchy of Modena.

The right is reserved to both Union States of forbidding, in case of war or political commotions, the importation or exportation of horses, arms, and ammunition, as well as materials adapted for the manufacture of arms and ammunition, both in regard to foreign countries and to the intermediate trade.

Each of the Contracting States may also, but always with due regard to the greatest possible freedom of traffic, and after previous agreement thereon, make such arrangements on its frontiers next the other Union State, as well as issue such prohibitions of importation and exportation as it may consider indispensably necessary for its internal security in regard to police, censorship, and care of public health.

If, however, one of the Union States should find it necessary to declare such prohibitions in regard to foreign countries only, then no previous agreement shall be required.

The prohibition of the exportation of works of art of deceased artists is also applicable to their transmission from one Union State to the other; according to the regulations in that respect.

**XVII.** With regard to the duty on consumption and the home taxes which are levied in the Lombardo-Venetian Kingdom and in the Duchy of Modena, whether on account of the State, on account of the communities or other corporations, on introduction into the State or into the communities declared as close, on production, preparation, or sale, the High Contracting Parties agree, that in neither of the two Union States shall the goods produced therein be treated more favourably than those which have been charged with the importation duty or have been produced in the other Union State, and that the dues shall be so adjusted as to cause no detriment either to the productions of the individual States or their reciprocal trade.

**XVIII.** Endeavours will be made to come to an understanding between the two States for the adoption of a law in common for the warranty of material and workmanship in gold and silver articles. Until this takes place the existing laws will continue to be observed in each of the two States, and warranty for the degree of fineness prescribed by those laws will only apply to articles which have the stamp of the respective States; nevertheless, native gold and silver articles, or foreign ones charged with duty coming from one of the Union States, may, after observance of the Customs regulations prescribed for the intermediate traffic, be brought into use unguaranteed according to the laws of the State for which they are intended, without any fresh assay or the payment of other warranty fees.

**XIX.** Ships and goods belonging to subjects of the Duchy of Modena shall enjoy in the Austrian ports and landing-places, and reciprocally ships and goods belonging to Austrians, shall enjoy at the landing-places of Modena, the same rights as are accorded to the ship and goods of the respectively most favoured nation.

The ships of both the High Contracting Parties may also navigate those confluenta of the Po and those tracts of confluenta which run not at the boundary, but within either of the two union territories, and with the enjoyment of the same facilities as are granted to the national ships.

**XX.** Subjects of one of the Union States shall be placed in the territory of the other on the same footing as the natives with regard to the payment of tolls at road-barriers, bridges, locks, ferries, canals, rivers, streams, and other waters, or with reference to remuneration for the use of public warehouses, weighing-machines, cranes, and other buildings and apparatus.

No dues can, however, be demanded unless such buildings or apparatus be actually made use of, saving always the regulations to the contrary in regard to lighthouses, beacons, and pilotage. The tolls for consignments, which pass the frontier on those roads which are intended to put the Contracting States, directly or indirectly, in communication with each other or with foreign countries, shall not

be fixed at a higher amount, according to the distance traversed, than those established for the internal traffic of the country.

The reciprocal communications by means of railroads shall enjoy all the facilities which may be granted by the High Contracting Parties to any foreign State whatever.

XXI. The subjects of one of the two Union States who shall repair to the territory of the other to exhibit patterns or samples of goods, to seek for work, to purchase goods for their business, or to trade at fairs and markets, shall be put on the same footing as the subjects of the State which they have entered, without having to pay any fresh charge on that account, if they have already paid in their native country the legal dues for carrying on their trade, business, or art there.

The object of these stipulations is, however, only to favour a temporary traffic and stay; for whenever the question may be as to the establishment of a permanent business for selling by wholesale or retail, or of setting up manufactories and workshops, of whatever description, in the territory of the other State, then the previous consent of the local authorities and compliance with the conditions of the existing administrative regulations of the country are indispensably necessary.

Nor are the existing police regulations, to which the persons above mentioned are amenable as travellers and foreigners, altered hereby.

XXII. In those places where the Modenese Government has no Consuls of its own, the Austrian Consuls will undertake the protection of Modenese subjects and exercise legal jurisdiction over them to the same extent and in the same manner as over Austrians, and will correspond with the Modenese Ministry for Foreign Affairs.

If the Austrian Consuls have on these occasions to pay costs and charges on account of Modenese subjects, they are to be regulated in the same manner as those prescribed for Austrian subjects, and to be repaid by the Ducal Government of Modena.

XXIII. The Ducal Government of Modena declares that it still continues in those relations which were established between itself on the one part and Piedmont and the States of the German Zollverein on the other, by the Treaties of October 18th and November 22nd, 1851, and February 19th, 1853; and it also declares itself ready to accede to the Convention or Treaty which Austria may conclude with the Holy See, in order that the Convention of March 22nd, 1838, concerning the liberation of goods in transit may be also extended to the Modenese Customs line next the States of the Church.

XXIV. The Union States bind themselves not to enter, except



tions thereof exchanged within 15 days from the present date, or sooner if possible.

In witness whereof the Plenipotentiaries of the High Contracting Parties have signed it, and to it have set their seals.

Done at Vienna, this 15th of October, 1857.

(L.S.) DR. KARL, RITTER VON HOCK.

(L.S.) COUNT THEODOR DE VOLO.

The exchange of the ratifications of the above Treaty took place at Vienna, on the 24th of November, 1857, when the following declarations were reciprocally exchanged :

Consignments of goods which, after their entry into the Modenese States on the so-called Serrabassa road, may also have to pass through the Austrian territory, shall not be subject to any transit duty.

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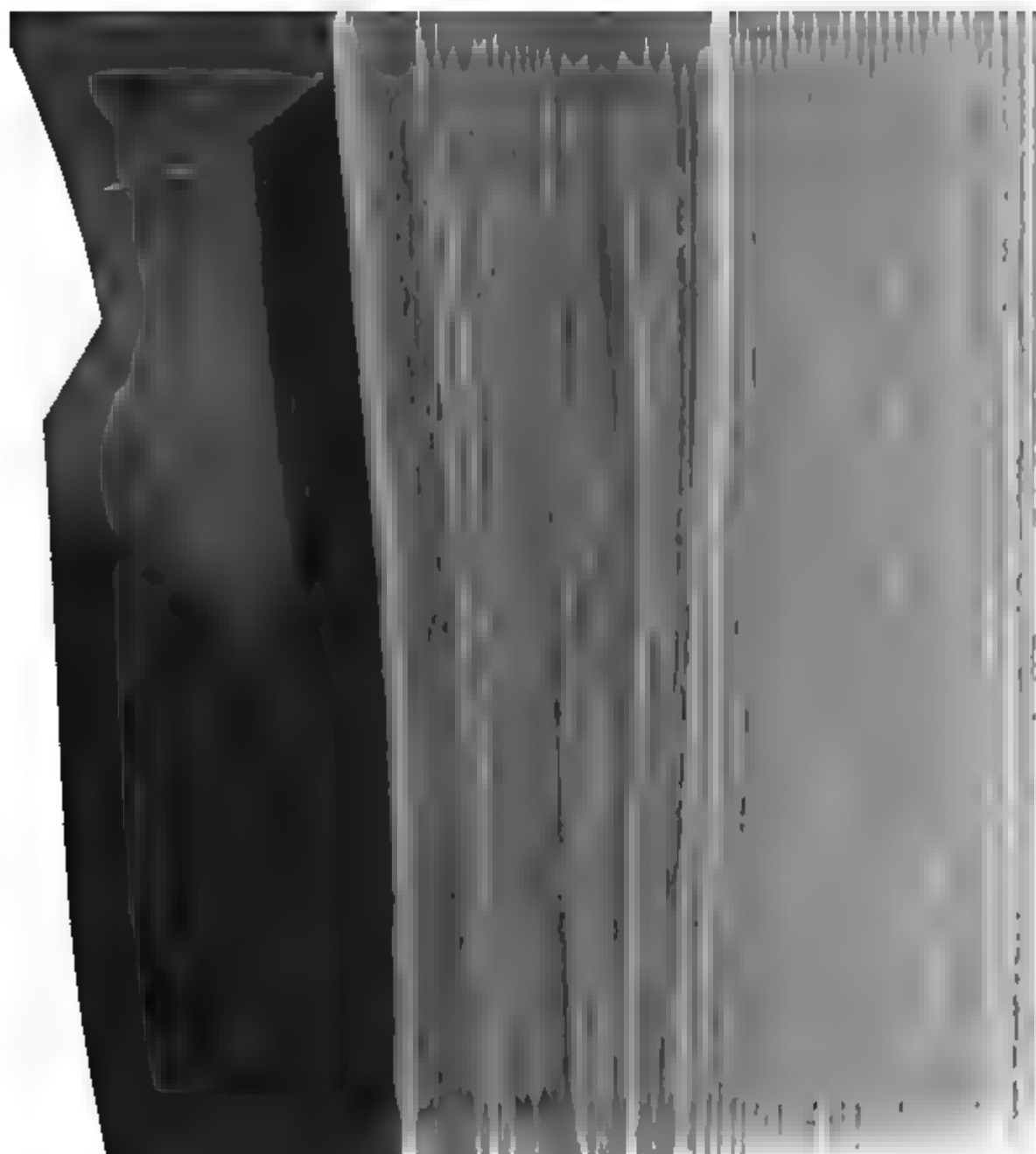
The favour granted in respect to the importation into the Modenese States of Austrian textures of linen alone or of linen mixed with cotton (No. 5 of the first section of Appendix C) refers only to those linen textures in which the cotton exists in so small a quantity, that they pass for linen textures in commerce. The aforesaid favour is, therefore, not to be extended to those textures of cotton mixed with linen, in which the quantity of cotton is equal to or greater than of linen.

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Although the present Union of the Austrian and Modenese Customs, which in regard to the territories included is a continuation of the previously existing Customs Union of August 9th, 1852, ought to have come into force on the 1st of November of the present year, but on account of the time which has been unavoidably taken up in the actual exchange of the ratifications, and in the successive promulgations and publications, the Treaty of 15th October last cannot come into full and absolute operation before the 1st of December next, that circumstance shall not cause its duration for the term of six years and two months, to expire at any other time than the 31st of December, 1863. In like manner, all that has been agreed to in the stipulations of the Treaty by the Contracting Parties, concerning the duration and the discontinuance of the Customs Union, remains unaltered.

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*Note.*—All the articles above enumerated in No. 2 shall be exempt from duty on their introduction into the Duchy of Modena, when they come from the free trade of the Austrian Empire.

3. Meal and mill produce (grain sifted, crushed, skinned, pearled barley, groats, semolina).

*Note.*—Meal and mill produce coming from free Austrian trade shall not be subject to importation duty on being brought into the Duchy of Modena; but if they come from free Modenese trade, they shall be exempt from duty on their entrance into the Austrian Empire, only in quantities of not more than 30 kilograms.

4. Plants and parts of plants, as follows: mustard seed, mustard powder or ground mustard (not packed in bladders, bottles, or jars), anise, and cummin and hops, mulberry leaves, juniper berries, earth nuts (*arachis hypogæa*), beech nuts, horse chestnuts, grass, hay, hay seed, chaff, straw, litter, leaves and cones of all kinds of spine plants, bark of trees unprepared, rushes, lichens, mosses, German tinder and touchwood, forage, heath, stalks and leaves of myrtle, asphodel tubers (golden roots), stalks and stems of millet, hulls of the heads of Indian corn, sweet calamus, reeds and cane (for covering roofs or for weaving), also split and cut, Dutch rushes, grain in sheaves, pulse in the plant, trees, twigs, vines, shoots, suckers, shrubs for transplantation, likewise living plants in earthen pots or in tubs, fresh flowers and leaves, also buds, flax and hemp, in stalks and bundles, steeped or unsteeped, thistles; oleaginous seeds, viz., rape seed, hemp seed, linseed, and poppy seed, yellow rape, darnel, and sesame; apricot, peach and plum stones; castor nuts, laurel berries, cotton seeds; trefoil and other small seeds, that is, such seeds not mentioned above as are used in the cultivation of gardens and fields.

## II. *Animals.*

5. Fresh fresh-water fish, fresh river and brook cray fish, snails, beavers, otters, frogs.

6. Cattle of the following kinds:

*a.* Calves, sheep, goats, rams, wethers, he-goats, lambs and kids, fat pigs, young pigs, and sucking pigs (up to the weight of 10 kilograms);

*b.* Horses and foals, mules, ass-mules, and asses.

*Note 1.*—In regard to the animals enumerated in section *a* of this number, no distinction is made with respect to the duty, whether they be alive or slaughtered, provided they are not skinned, nor yet if some part of them be cut off. Skinned animals are treated as fresh meat (see No. 10 below).

*Note 2.* In order that the above-mentioned animals, when of Modenese origin, may enjoy upon their entrance into the Austrian



*b.* Paste, as vermicelli, or “tagliolini,” and similar preparations of uncooked flour, also wafers.

*Note.*—The reciprocal exemption is limited, in regard to the articles under *a*, to quantities of not more than 10 kilograms, and for those under *b*, to quantities of not more than 14 kilograms.

#### V. *Fuel.*

14. Firewood (that is, all ordinary kinds of wood not prepared for any work, in logs and trunks not fashioned, in cleft pieces and sticks not longer than 1 metre and 106 millimetres), also wood bark, bushes, fagots, twigs, dry branches.

15. Charcoal, turf, turf-charcoal, coal (also lignite).

#### VI. *Various Minerals.*

16. Rough stones, that is unhewn or hewn, also in slabs, but not worked and not polished (for example, quarry stones, limestone, slates, stone for building, mill-stones [with or without iron bands], ordinary grind- and whet-stones, puff-stone, pumice-stone, rough blocks of granite, marble and the like), tiles and bricks, scoria, sand (excepting coloured writing-sand), lime and gypsum for building purposes, unburnt and burnt, amianthus and asbestos; various raw earths, not ground, either dry or in water; pozzolano and Santorin earth (also cement and tarras), marl, chalk, ordinary clay for bricks and pottery, tripoli, talc, and cimolite (all these earths likewise if ground and purified with water), garden mould and bog-earth, water and ice.

*Note.*—Carrara marble is excluded from this section, as it is subject to the duty fixed in the special Modenese tariff.

17. Bole (also terra sigillata), manganese, graphite (plumbago, with the exception of hæmatite or red sinople in small sticks, and pencils), purified white chalk, and raw and purified black chalk, ochre, emery in pieces, fluor spar, and heavy spar (ground or not), umber, pipe-clay, and other kinds of clay for making earthenware and porcelain, the so-called Kehlheim plates, and lithograph-stones, without designs.

*Note to Nos. 16 and 17.*—By the denominations of marl, chalk, ordinary clay for bricks and pottery, included in No. 16, and pipe-clay, and other kinds of clay for making porcelain and earthenware, included in No. 17, are understood all kinds of clay, whether raw, ground, or purified.

18. Stones not particularly classified in the general tariff of the Union, smoothed or polished, fine, sharpening, or whet-stones, touch-stones, flints (for guns), slates for writing (also with wood frames) and slate-pencils, slate-paper, sheets of slate-paper, pumice or emery-paper or cloth, sand-paper, coloured writing sand, with the exception of smalt. Also lithograph-stones with designs.



25. Noble metals (rough, in scraps, and in coin); as, gold, that is, unwrought gold in lumps, bars, plates, grain, dust, composition (pagament, or bars mixed with copper), old gold, broken up and burnt gold. Silver; that is, unwrought silver in lumps, plates, bars, composition (pagament), old silver, broken up, and burnt silver, platina, that is, unwrought platina in the mineral state or spongy, and old platina broken up. All current coin of the noble metals.

*Note.*—The special laws of the two States in their respective monetary systems regulate the importation of coin of the noble metals as well as of alloy or copper. Nevertheless, coin which is not current in the State to which it is sent, and medals of the noble metals are not included in the reciprocal exemption. And only when the coin that is not current in the State for which it is intended shall be imported therein for the purpose of melting, and be sent to a Custom-House to be cut up at the expense of the party, can it enjoy the same exemption as the metals of which it is made.

#### IX. *Textile Materials.*

26. Flax, hemp, Manilla hemp (filaments of aloes), Chinese grass, also waste (tow, hards, &c.), besides wild cotton and seaweed.

27. Wool (of sheep) raw, (also combed and in waste), ground (also bleached and dyed).

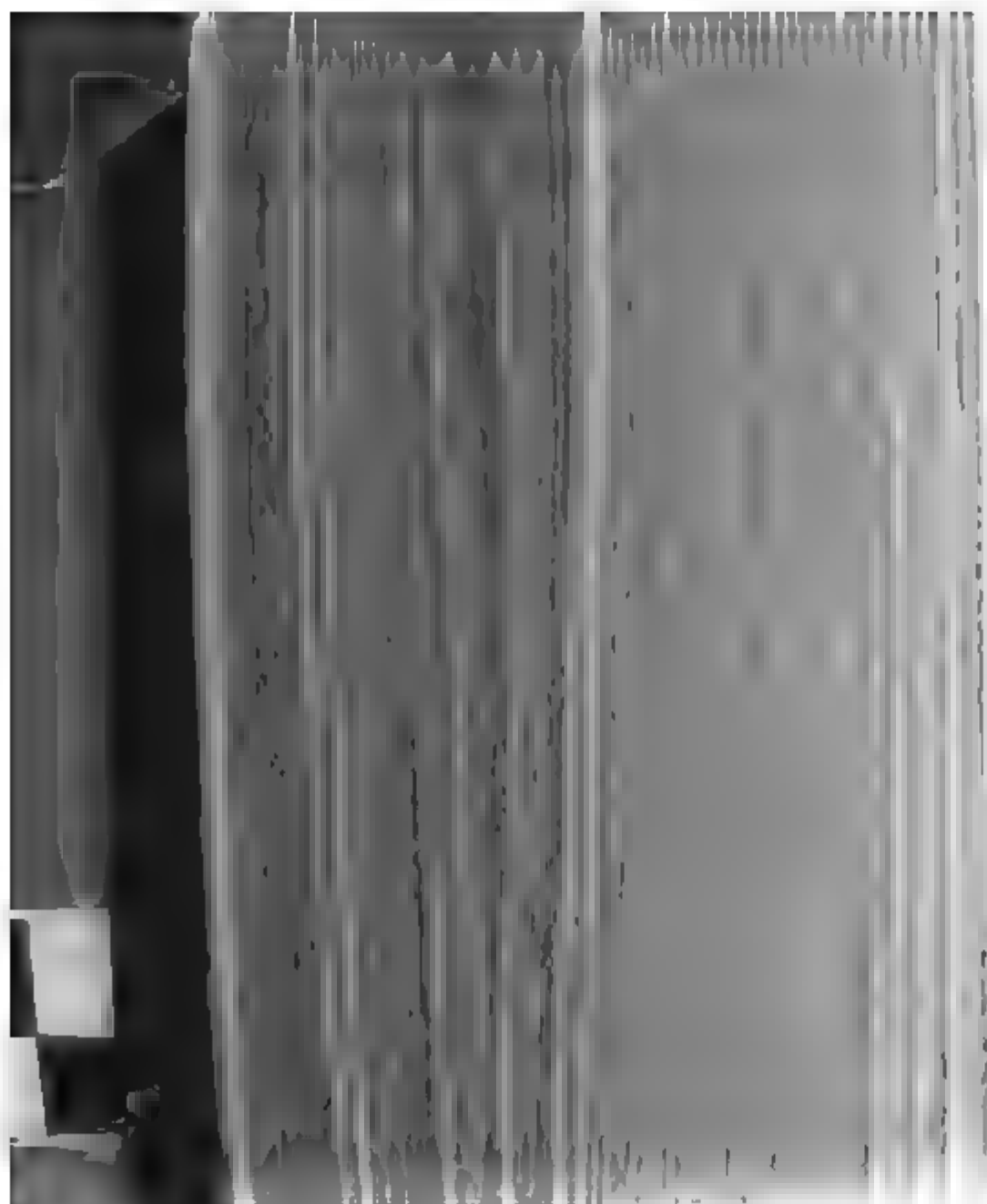
28. Silk-balls or cocoons.

#### X. *Goods made of Bark, Rushes, Straw and the like.*

29. Mats and matting (carriage mats and the like), not dyed, made of bark, rushes, straw, grass, reeds, or splinters.

#### XI. *Wooden Wares.*

30. All wooden work of the commonest kind, as: coarse, rough, uncoloured, cooper's, turner's, joiner's, coach and cart-maker's work, planed only, besides coarse machines (also turning lathes, mangles, presses, spinning wheels and looms), coarse basket-maker's work (as packing, carrying, cart and carriage, clothes and fish baskets, and the like), birch brooms, field, garden, and kitchen implements. By way of example the following are to be included under this heading: boxes, troughs, bowls, hand sledges, wheel-barrows, finished axles and poles, felloes, naves, spokes, wheels, chairs, benches, tables, bee-hives and baskets, wooden shoes, wheel-blocks, boot jacks, boot trees, shoemaker's lasts, hoops, chimbs, drain pipes, gutters, tubes, sticks (also whip handles and wild cherry sticks), cases, rails, yokes, levers, ladder sides, whetstone frames, ladders, hay rakes, ladles, trenchers, plates, clubs, staves, rakes, rudders, shovels, dowels, pins,





*Note 1.*—Bone charcoal (spodium) is included in No. 38 hereafter.

*Note 2.*—In order that the above-mentioned common chemical products and dyeing goods, when of Modenese origin, may enjoy the exemption from the importation duty in the Austrian Empire the same as when they go into the Modenese States from the free Austrian commerce, it is agreed that the Ducal Government of Modena shall subject them whenever they enter its territory by the boundary along the Po, and by the offices of San Martino, Finale, and Sorbolo, to the duties prescribed by the general tariff of the League.

36. Ordinary lighting goods, as brimstone string, brimstone matches, lucifers, lucifer pipe-lights, phosphorus bottles, phosphorus matches, lint stocks.

*Note.*—In order that the above-mentioned lighting goods, when of Modenese origin, may enjoy the exemption from the importation duty in the Austrian Empire, the same as when they enter the Modenese States from free Austrian commerce, it is agreed that the Ducal Government of Modena shall subject them, whenever they enter its territory by the boundary along the Po, to the duties prescribed by the general tariff of the League.

#### XVI. *Objects of Art.*

37. Paintings upon wood and the ignoble metals, not lacquered, on linen and on stone.

#### XVII. *Waste Materials.*

38. Rags, cuttings, and other waste for the manufacture of paper, as linen, cotton, silk, and woollen rags, also macerated (half manufactured) paper pulp, set or liquid, waste paper (manuscript and printed), likewise old nets, old ropes, old cordage. Salts for manure, as: all salt mixtures which are obtained as the refuse or remains of chemical operations, and are fit for nothing but manure; bran, chaff, oilcake, oilcake meal, and other remains of boiled or pressed fruits or seeds, tan cakes (worn out bark), blood, liquid and dried, tendons and sinews of animals, animal dung (also poudrette), likewise other manuring articles, as worn out wood-ashes, turf charcoal, wood and lignite ashes, lime ashes, bone scum, shavings and sawdust, natural dregs (as fluid beer and wine lees), lead, copper, and tin sweepings, gold and silver waste (coinage waste), broken glass and earthenware, sweepings, mud, dirt, washings, wine lees, grains, bones, that is actual bones, bone dust, and bone charcoal (spodium), claws, feet, horns, whole as well as in points, and slices, or rasped, skin cuttings (for making glue), leather cuttings, old leather, leather scraps, wax manufacturers' waste, glass gall, glass scum.



In order the better to secure their respective Customs revenues reciprocally to each other, the High Contracting Parties have agreed that the exemption granted to Modena for the common Italian wine in casks and budgets is to cease, if the Modenese State should bring into operation for those wines, in regard to foreign countries, a lower duty than 14 Italian lire per net metric quintal, unless in respect to immediate importation in the beyond Appennine Modenese dominions, or to those coming from Piedmont, in accordance with the Treaty of 18th October, 1851, and also if the Modenese State should bring into operation, in regard to foreign countries, for wines of another quality, an importation duty lower than 30 Italian lire per net metric quintal; and in like manner also, that the exemption granted to Austria for the ignoble metals comprised in No. 24 of this Appendix is to cease if the relative Austrian importation duty should be reduced below 3·40 Austrian lire per gross metric quintal for those coming from abroad, which enter by way of the sea, or through the Modenese territory, or by the frontiers of the Lombardo-Venetian Kingdom next other Italian States.

APPENDIX C.—*In reference to Article V of the foregoing Treaty.*

*Part I.—Productions of the Austrian Empire which are subject to a Reduced Duty in the intermediate Commerce, on their introduction into the Duchy of Modena.*

No.	Denomination of the Articles.	Standard for Duty.	Intermediate duty in the Duchy of Modena.	
			Italian lire.	Centa.
1	I. CHEMICAL SUBSIDIARIES. Nitric acid, tartaric acid, alum, sulphuric acid, and muriatic acid .. .. .	Metric quintal net.	4	0
2	II. METALS HALF MANUFACTURED. Iron :— (a) Half wrought, that is iron well forged and rounded in a form adapted for a given use, as parts of carts and carriages previously forged in the rough (axletrees and the like), provided such single parts weigh 50 kilogrammes or more, each; plough-shares, anchors, chain cables, and ship chains .. (b) Cast iron rough, as all those cast iron goods which are not turned, filed, chiselled, perforated, drilled, ground, polished, varnished, and not connected with other materials .. .. .	do.  do.	3  3	0  0
	Note—The traces of inequalities or mould seams removed by the chisel do not exclude the cast iron from the reduced duties agreed upon.			

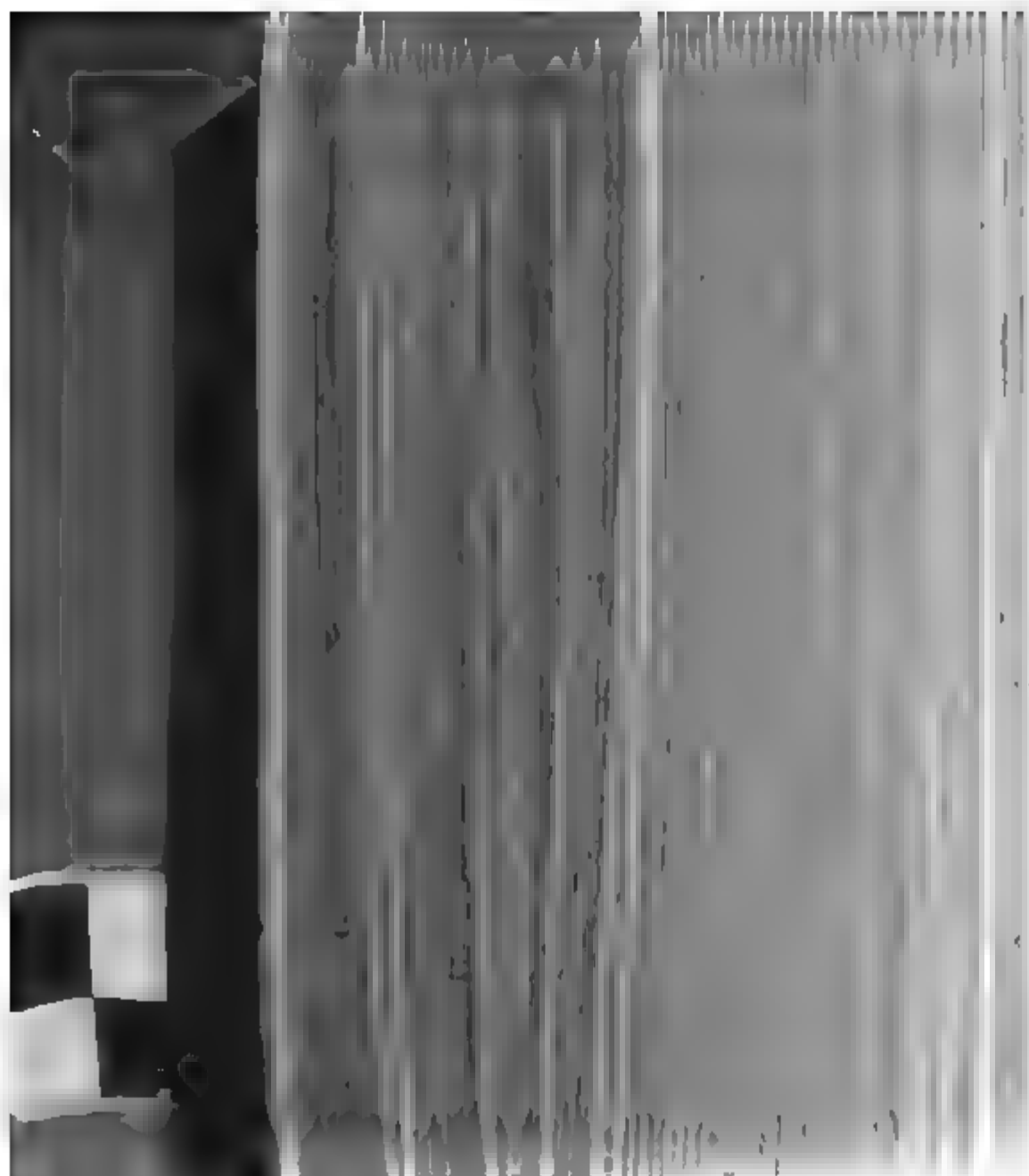


No.	Denomination of Articles.	Standard for Duty.	Intermediate Duty in the Duchy of Modena.	
			Italian lire.	Centa.
	tures and network charged with a lesser duty; artificial flowers, trimmed hats of all kinds (that is hats decorated with other materials than those of which they are made) .. .. .	Metric quintal, net.	500	0
	Note—The descriptions “finest” and “fine” are to be understood according to the classifications of the special Modenese Tariff, coming into operation on the 1st November, 1857. The remarks to Class XIII. of the above-mentioned Modenese Tariff are also applicable to the articles in the present category IV.			
	V. PAPER AND PAPER GOODS.			
9	(a) Gray blotting paper and rough paper for packing (also coloured, lacquered, covered with graphite, asphalte, tar) as well as pasteboard (also stone pasteboard) and pasteboard for pressing cloth .. .. .	do.	6	0
	(b) Unsized paper, that is to say, printing paper, packing paper not rough, and blotting paper not gray .. .. .	do.	6	0
	(c) Gold and silver paper (real or imitation) also bronzed, or with gold or silver ornaments, stamped paper and perforated paper, as well as strips of these kinds of paper .. .. .	do.	28	49
	(d) Paperhangings .. .. .	do.	30	02
	(e) Paper articles, that is, all articles (with the exception of paperhangings and playing cards) made of paper, pasteboard, stone pasteboard, asphalt, and similar materials; all these goods also lacquered as well as articles of paper pulp for the manufacture of paper not lacquered .. .. .	do.	28	49
	VI. FURS, AND LEATHER, AND GUM GOODS.			
10	All fur articles not in connection with other materials, for example, covers without lining, fur lining, fur trimming, and “taluppi” .. .. .	do.	26	10
11	Leather and gum goods, common shoemakers', saddlers', and leather-cutters' goods, of raw leather (red or only coloured black), or of gum, also in connection with wood, bellows, likewise other gum goods not lacquered, coloured or painted, nor with stamped ornaments .. .. .	do.	39	15
	Note—The lining of the above-mentioned goods with cotton, linen or woollen stuffs, with the clasps, rings, fastenings, and the like of the ignoble metals, neither gilt nor silvered in reality or imitation, nor covered with lacquer containing gold or silver (excepting packfong) does not exclude them from the above favourable duty.			



No.	Denomination of the Articles.	Standard for Duty.	Intermediate duty in the Duchy of Modena.	
			Italian lire.	Centa.
	quality in connection with other materials in so far as these compositions do not come under hardware .. .. .	Metric quintal, net.	75	0
17	<p>VIII. METAL GOODS.</p> <p>Iron goods:</p> <p>(a) Of the commonest kind, as staves, rods, and plates perforated, drilled, connected in gratings, anvils, spits, crowbars (swine- feet), tripods, harrows, traps, fire dogs, fire- tongs, dung, hay, and furnace forks, rakes, hoes, windlasses, pulleys, hackles, drag-irons, horse-shoes, cramp-irons, wall-ties; chains, kettles, cooking utensils, also glazed (ena- melled); nail-makers work, as hooks, common nails, rivets, tacks, stoves, pans, ploughs (iron), flat irons, rakes, pipes, grid- irons, shovels, beetles, smiths and lock- smiths tools (excepting edge tools) cart, door, and chest plates, pokers, pestles, curry- combs, all these goods merely rubbed clean, but neither wholly nor partially ground, polished, varnished or lacquered, and not in connection with other component parts ex- cepting with wood, and not comprised in rough iron castings .. .. .</p> <p>(b) Iron goods, common, that is, rough goods of wrought and cast iron, of iron and steel, of iron-plate, of iron and steel wire, also tinned, coppered, covered with paint or black varnish as a protection against rust (but not polished, ground, or perforated): also in connection with wood, with the exception of those which are already included under the progressive number 2a and 2b and 17a of this list; and further, all axes (hatchets), coarse saws, scythes, sickles, cloth maker's and heavy tailor's shears, heavy knives for mechanical purposes (also pruning knives and hedge-bills) .. .. .</p> <p>Note—Non-essential parts, of the ig- noble metals, united with the above- mentioned goods, and not gilt or silvered with real or imitation metal, nor covered with lacquer containing gold or silver, do not exclude these goods from participation in the favourable treatment.</p> <p>(c) Iron goods, fine, as: all iron goods ground, excepting those specified under b, polished, varnished or lacquered, but not gilt or silvered with real metal, or covered with lacquer containing gold or silver; all goods consisting of iron in union with other materials, in so far as such compositions do not come under fine goods of leather or gum, finest earthenware, and hardware, or are not</p>	do.	4	0
		do.	7	50





No.	Denomination of the Articles.	Standard for Duty.	Intermediate duty in the Duchy of Modena.	
			Italian lire.	Centa.
20	artistic purposes, therefore not such as can be applied to other purposes, nor play-things, nor yet such articles as serve for toilet-furniture, for tables, or household goods to which an instrument is added as an accessory part; for example: musical boxes, musical clocks, hand organs, harmonicons, children's violins, drums, and trumpets, kaleidoscopes, camera-obscuras, magic lanterns, shadow-shows, and similar optical figures, ornaments with thermometers, and similar articles. Parts of instruments are classified as instruments, and not as works of the materials whereof they are made, then only when the duty-paper has declared them as instruments, and when they cannot be used in any other way than as instruments, for example, brass mouth-pieces for wind instruments, violin-bows, and the like.			
	Hardware: (a) Umbrellas and parasols of other materials than silk, and fans not ornamented with gold and silver, nor with sticks of ivory, tortoiseshell, or mother-of-pearl . . . . .	Metric quintal, net.	45	0
	(b) Goods of packfong and ignoble metals, the latter gilt or silvered with real metal, or covered with lacquer containing gold or silver, personal ornaments of ignoble metals, imitation gilt or silvered, watches not of gold or silver, wall and table-clocks, imitation gold and silver leaf, sewing needles, steel and other ignoble metal drops (pearls), artificial teeth, lacquered papier-maché goods, semi-precious stones set, meerschaum, ivory, jet, amber, tortoiseshell, mother-of-pearl, and other shell goods, articles of embossed wax, silk umbrellas and parasols of all kinds, eye-glasses with setting, and opera-glasses, cat-gut strings, also covered with silk, articles made of goldbeaters skin . . . . .	do.	80	0
	(c) Goods of imitation pearl, of real or imitation coral, real gold and silver leaf, fans with ivory, tortoise-shell, and mother-of-pearl sticks . . . . .	do.	120	0
	(d) Ornamental feathers prepared, and articles made of them, also articles of human hair . . . . .	do.	300	0
	Note to No. 20, I.—To entitle them to the reduced duty, none of the goods must be in connection either with gold, silver, and the other precious metals, or with real pearls, and other precious stones.			
	Note II.—Goods consisting of these articles in connection with woven or knitted work only belong to the class of hardware if they do not come under that of apparel and personal ornaments.			



No.	Denomination of the Articles.	Standard for Duty.	Intermediate duty in Austria.	
			Austrian lire.	Cents.
17	<b>XI. BONE, WOOD, AND STONE GOODS.</b> All bone work, also in connection with wood, tanned leather, glass, paper, and pasteboard, alabaster, marble, soap stone, plaster, the ignoble metals, in so far as the union with paper, pasteboard, and the ignoble metals is not classified under hardware .. .. .	Metric quintal, net.	86	0
18	Basket-makers goods and the following wooden ware, that is, wooden hanging clocks, and clock cases, playthings, comb-makers goods, fine carved and turnery ware, articles covered with lacquer containing gold or silver, inlaid work, and burl work, bronzed wood, and in general, all wooden goods not included under Articles 64a, 64b, and 64c of the Austrian Tariff or General Tariff of the Union; all these articles also united with other materials in so far as they do not thereby come under the class of fine leather and gum goods, of the finest earthenware or under hardware. Stuffed furniture is also included in this Article .. .. .			
19	Jasper (della Rochetta) polished, cut, or worked in any other way, unset.. ..	do.	45	0
		do.	45	0
20	<b>XII. INSTRUMENTS.</b> Instruments: Astronomical, surgical, mathematical, mechanical musical, optical (excepting mounted eye-glasses and opera-glasses), physical; without regard to the materials of which they are made .. .. . Note—By instruments are understood only those tools and apparatus which serve exclusively for the aforesaid scientific or artistic purposes, therefore, not such as can be applied to other purposes, nor playthings, nor yet such articles as may serve for toilet furniture, tables or household goods, to which an instrument is added as an accessory part, for example, musical boxes, musical clocks, hand organs, harmonicons, children's fiddles, drums, and trumpets, kaleidoscopes, camera-obscuras, shadow shows, magic lanterns, and similar optical figures, ornaments with thermometers and similar articles. Parts of instruments are only classified as instruments, and not as works of the materials whereof they are made when the duty payer has declared them as instruments, and they cannot be used in any other way than as instruments, as violin-bows, &c.	do.	18	0



Together with the declaration for exportation, that required for the importation into the other State may also be delivered in anticipation, and forwarded with the export certificate to the office which has to act in the state of destination. Each of these declarations must be either single or in duplicate, according as may be required by the laws of the State wherein it is to serve as the groundwork of the respective proceedings.

The declaration delivered at the office of importation in the State of destination for goods for chance sale, must mention a certain market or fair or official warehouse in the said State where the goods are to be deposited. As for the rest, when the market is over, and when the statement has been made to the office through which the goods were imported, and when the import duty has been paid upon the quantity sold, there is nothing to prevent the same goods passing through a similar process for another market or another fair, or being consigned to another competent office in the State of destination for such fresh proceedings.

#### Section 5.—*Securities.*

Independently of the security which is to be given to the State interested in the case mentioned at the end of § 3, and which remains subject to the general rules applicable to the process of escort vouchers, the State into which any of the consignments in question enter, may demand security for the amount of its own relative importation duty in the intermediate trade, and may require it to be given in any way admissible in the office which is to receive it, in accordance with the directions of the State itself respecting securities required in the process of escort vouchers.

For such importations into the other State the security is not allowed to be given in anticipation at the office of departure at the time of arranging the exportation.

The return of the ready money deposited for this purpose is reserved to the office which had to collect it at the time of the importation into the State of destination.

#### Section 6.—*Marks of Identification.*

To the separate articles transmitted, except in the cases mentioned in lett. c. of Article VII of the Treaty, the office which transmits the exportation from the State whence the goods are sent, shall apply marks of identification according to the rules proscribed by its own Government, and by way of supplement it shall describe exactly the cattle and those articles sent for chance sale, according to section a of the said Article, which are not capable of having a permanent mark of recognition applied to them.

In the proceedings on importation and re-exportation on the part of the office of the other State, the marks of identity applied





by either of the united Governments; due regard being paid to the difference of weight caused by the preparation undergone by the articles identified. In trifling differences no duties are to be exacted. But if there be any remarkable increase of weight the same import duty will be imposed at the return as is levied in the relative intermediate trade on the material used in the preparation.

If the re-exportation, or re-importation, does not take place within the fixed period, the persons concerned lose the right to the exemption from duties granted in conformity with the Treaty, and the amount coming to the State of destination is to be taken from the security deposited; but in such cases the Customs authorities will proceed with all due consideration.

AUSTRIAN OFFICES.		MODENESE OFFICES.	
Imperial and Royal Provincial Board of Finance at Mantua.		Ducal Board of Finance at Reggio.	
1 Viadana ..	Principal receiving office	1 Brescello ..	Receiving office
2 Pomponesco ..	Branch	2 Gualtieri ..	"
3 Corregio Verde ..	"	3 Guastalla ..	"
4 Dosolo ..	"		
5 Baluardo ..	"	4 Luzzara ..	"
6 Zaniola ..	"	5 Co di Sotto ..	"
7 Crocil Tosini ..	"	6 Staffola ..	"
8 Gonzaga ..	"	7 Villanova ..	"
Moglia Gonzaga ..		Ducal Board of Finance at Modena.	
9	Principal receiving office	8 Rolo ..	Receiving office
10 Bondanello ..	Branch	9 Collegrana ..	"
11 San Giacomo della Segnate	"	10 Concordia ..	"
12 Poggio ..	Principal	11 Tramuschio ..	"
13 Porcara ..	Branch	12 San Martino in Spino ..	"

APPENDIX E.

In reference to Article XI of the foregoing Treaty.

Customs Offices of the two States along the intermediate line and corresponding Customs Roads."



Customs, the Commissioners and superior Commissioners of the revenue guard.

The revenue officers along the intermediate line shall also be enjoined to assist each other with the greatest readiness in the discovery and prevention of smuggling against the respective Union State; to communicate their information to each other within a brief period, and to consult each other from time to time, or in particular emergencies, on the best means of attaining the common object.

**Section 4.—*Pursuit of Smugglers into the other State.***

The officials and functionaries of the revenue guard belonging to one of the Union States, may advance into the territory of the other State in pursuit of a smuggler for 4 geographical miles from the frontier. In this case they may also propose to the revenue authorities in the vicinity of the frontier, such means as may be considered fitting for the discovery and seizure of the transgressors, or of the articles concerned, or they may proceed to the seizure of the transgressors and the articles in the open country, provided they immediately take them before the nearest local authority of the aforesaid State. The revenue authorities applied to must always pay attention of the above mentioned proposals, but without detriment to the service of the State of which they belong.

The local authorities, the offices, and the inspecting bodies are to give the revenue guard of the other Union State in such cases, the same aid as they are bound to give to that of their own State.

**Section 5.—*Unions and Agreements for encouraging Smuggling in the other Union State.***

Neither of the Contracting Parties will allow in its own territory, unions for the purpose of smuggling in the territory of the other party, nor will give validity to agreements intended to insure against losses in smuggling undertakings.

**Section 6.—*Accumulations of Goods in the vicinity of the Intermediate Boundary.***

Each of the Contracting Parties is bound to prevent the accumulation or storing of foreign goods not duty paid, in the vicinity of the boundaries of the other State, and where there are no official warehouses; but national goods and duty paid foreign goods may be deposited anywhere when they are provided with the certificates or with the stamp of the State in which they are. Each of the States must, however, prevent the accumulation of such goods in the vicinity of the boundaries without a sufficient guarantee against abuses, when from their quantity or other circumstances it may appear that they are intended for smuggling into the other Union State.



general Austrian laws for those intended only to pass through the said tract.

## II.—RECIPROCAL CO-OPERATION IN PROCEEDINGS AGAINST REVENUE CONTRAVENTIONS.

### Section 9.—*Respective competency for inflicting Punishment.*

The contraventions, or attempts at contravention of the laws respecting the importation, exportation, and transit duties, and respecting prohibition of importation, exportation, or transit, which are committed to the injury of the other State, are to be punished in the same manner as if they had been committed or attempted to the injury of the one State itself. But the State against which the contravention has been committed or attempted, has the right to institute the proceedings relative thereto according to its own rules, and to pass judgment according to its own laws; and the other State, of which the offender is a subject or inhabitant, or only a temporary sojourner, shall be bound on requisition not only to undertake those examinations and those proceedings which may be necessary to enable the offended State to go on with the case and to decide thereon, but also to execute the sentence that is passed.

### Section 10.—*Competency for other Penal Decisions.*

The abandonment of the proceedings, the remission or mitigation of the penalties belongs to the State wherein the trial takes place.

### Section 11.—*Official Attestations of the Functionaries of the other State.*

In the examinations which have to take place before the authorities of one of the Contracting Parties, the same weight of proof is to be attributed to the official attestations of the functionaries of the other party as to those of the functionaries of the one State itself.

### Section 12.—*Depositions of Officials belonging to the other State.*

The revenue officials of one of the two States may be called upon by requisition to the superior authority from the competent authority of the other State, to depose to the circumstances relating to the contravention, either before the latter authority or before the authority of their own country. The expenses of travelling and keep for the officials who under such circumstances have to go into the other State, or even far from their residence in their own State, shall be borne by the State which applies for their services.

### Section 13.—*Co-operation in proceedings carried on in the other State.*

The competent revenue authorities of each of the Union States



had been decided in the same State, and in its own interests; proceeding to immediate execution whenever the debtor may not pay within the fixed and unalterable term allowed to him according to the circumstances.

For the repayment to the other State of the amounts collected, provision is made in Nos. 6, 7, and 9 of Article XIV of the Treaty.

The rewards for seizure or information assigned to persons of the other State, out of the fines collected after a sentence passed in the same State, do not come within the category of the sums to be repaid.

#### Section 16.—*Division of the Fines.*

The informers of each of the two States shall be put upon an equal footing in the distribution of the fines, which, as well as the disposal of any balance, shall take place according to the practice in the State of the adjudging authority.

Whenever a reward for seizure or information is assigned to a person of the other State, the proper revenue office must transmit by post a statement of the amount, with an order for payment direct to the office in whose jurisdiction the person entitled to the reward is to be found, and the latter office must afterwards return the order with a receipt for the payment.

### III.—CONSIGNMENT UNDER ESCORT VOUCHERS FOR RECIPROCAL INTERESTS.

#### Section 17.—*Consignment of Goods to the other State.*

The goods specified hereunder will have to be sent from one State to the other in the reciprocal commerce, and must therefore be provided with escort vouchers. And in cases when the goods may be provided with escort vouchers from an inland office, or are destined for such an office, the entry and issue offices on the common frontiers must verify the passage by the intermediate line, by means of a note in their registers, and by endorsing the escort vouchers. Such goods are:

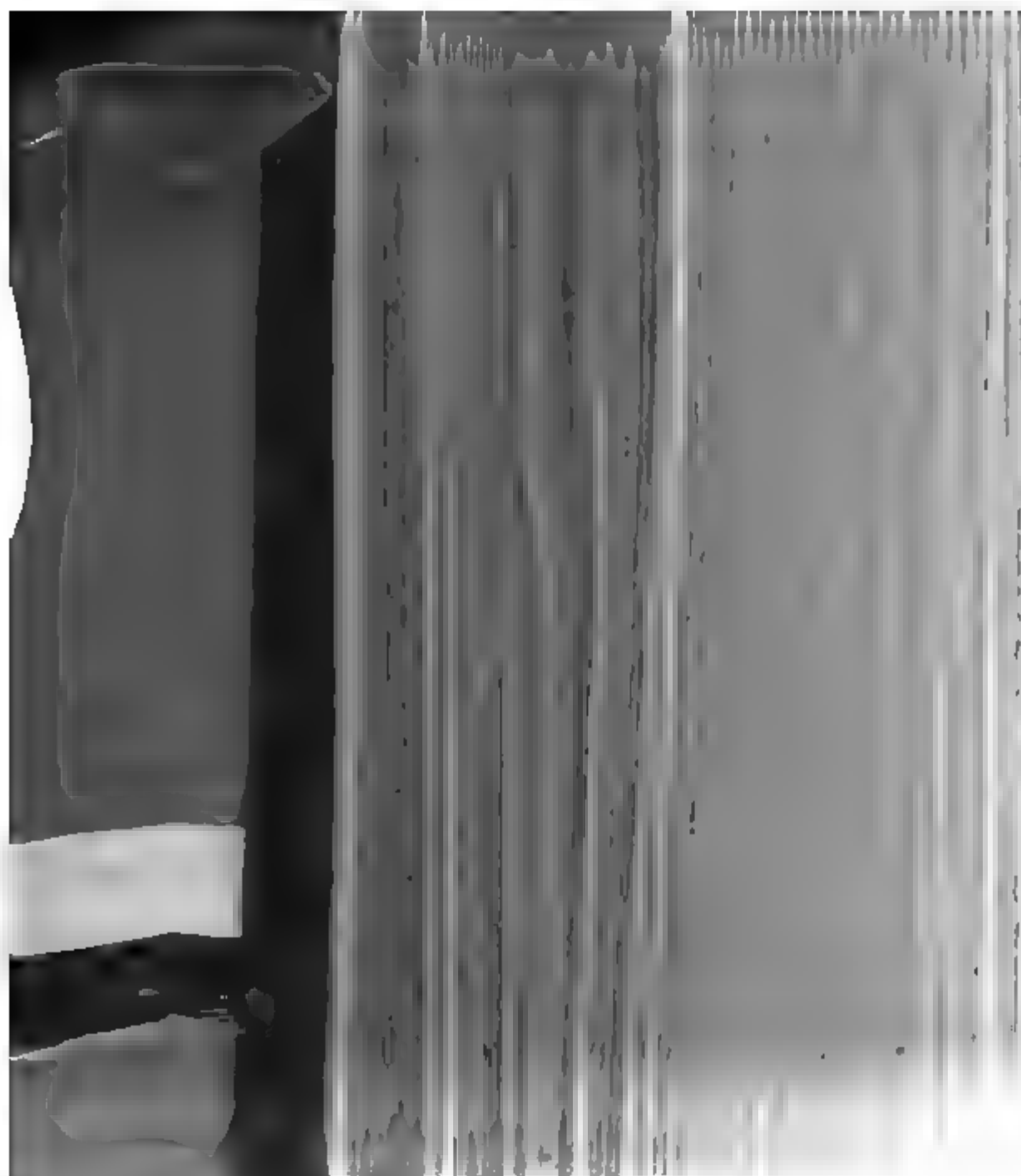
1. Foreign goods not duty paid, including also goods seized, and released without payment of duty, on condition of their being sent back to the State from whence they came.

2. Some productions of the sending State, or foreign goods charged with duty therein, that is:

- a. Articles of monopoly, except such small quantities as travellers can take with them without payment of duty;

- b. Books, arms, drugs, and other articles, which for reasons of police, security, or public health, are prohibited or subjected to special control in the State of their destination;





in general for all those articles to which the process of escort vouchers is applied for the exclusive interest of the State of their destination, the security to be required shall not exceed the amount of the duty which would be payable to that same State.

For any other foreign goods, duty paid, or other production whatever specified in section 17, the security shall only be required when it is prescribed by the transmitting State.

For the rest, any security given at the making out of the escort voucher which is to be discharged in the other State, shall also be effective therein; and it is understood that the Government of the office which accepts the security, shall hold itself responsible for the validity thereof, in regard to the other Union State, but it is not obliged to accept for the consignment to be made by one of its own offices any act of responsibility or suretyship, the validity of which would not be also recognized by a competent authority of its own State.

Section 19.—*Proceedings of the Offices at the Intermediate Line, in the case of Consigned Goods.*

The goods which pass the intermediate line with an escort voucher, and which have to go on for its discharge to a later office, are not as a rule to be subject to examination by the revenue officers, who act on the line in the interest of each of the Union States, unless it be in the case of grave suspicion; but there shall only be an external inspection, without any unloading of the packages, or of the articles that are not packed; and there shall be besides, the attestation of having seen the previous escort voucher, and the necessary registration thereof for the purposes of Nos. 3, 4, 5, 7, and 8, of Article XIV of the Treaty, and that both at the issue office of one State, and at the entry office of the other.

The articles mentioned in *a* and *b*, No. 2, of section 17 above, may, on their presentation at the entry office of the State for which they are destined, be subjected to special precautions, for the greater security of the Government of that State.

In the case contemplated in letter *f*, No. 2, of section 17, or if any parcel of one of the articles, which by virtue of Article VI of the Treaty are subject to an exceptional exportation duty, even in the intermediate commerce, should be exported to the other State under a previous escort voucher, which may be done, then the office of the State from whence the goods come, at the intermediate line, may cause the thorough examination of the whole, or a part thereof, without any special cause for suspicion.

Section 20.—*Consignment of Transit Goods to Foreign Offices.*

The transit of foreign goods coming from the other State of the Union, or proceeding to it, must be subject to the restrictions,



imported, which, having with them an escort voucher to the office of one of the two Union States, shall have passed beyond the intermediate Customs line, without the regular discharge of the voucher in the State of their destination.

In all these cases, however, the interested parties shall be allowed to prove that the goods in question, notwithstanding the omission of the formalities, were legally exported or imported, or perished in the Po between the two territories, they shall also be allowed to make declaration of any circumstances calculated to do away with or to reduce the obligation for the observance of the measures prescribed by the process of escort vouchers.

And in every case where no other penalties or prejudicial consequences are applicable, the non-presentation at the export office shall be visited with a regulated fine of from 6 to 150 Austrian lire.

Section 23.—*Abridged process for Reciprocal Consignment.*

If two Customs offices of the Union States should be situated exactly opposite to each other, or if they should both be in the same locality, an abridged process shall be adopted in regard to the reciprocal consignment of the goods, to the effect that those offices, instead of the escort vouchers have only to exchange respectively the simple declarations of the official documents, by which the consignments are accompanied, after having endorsed them respectively with the assignment and the discharge.

So also for the greater reciprocal security, where two offices are situated opposite to each other, the goods to be consigned may be accompanied by an officer, but without expense to the parties. The revenue intendencies are authorized to adopt these measures.

APPENDIX H.—*In reference to Article XIV of the foregoing Treaty.*  
Form I.—UNION TRADE.

State of	
Intendency of	In the year 185
Customs Office of	month of
Register	{ of arrival of departure
For the conditional transit of goods over the intermediate line.	
Folios.	
No.	

[Here follows Table. See Page 1002.]

Form II.

State of	
Half-year from	to 185
Account of reciprocal credits and debits in connection with the Austro-Modenese Customs Union.	

[illegible]







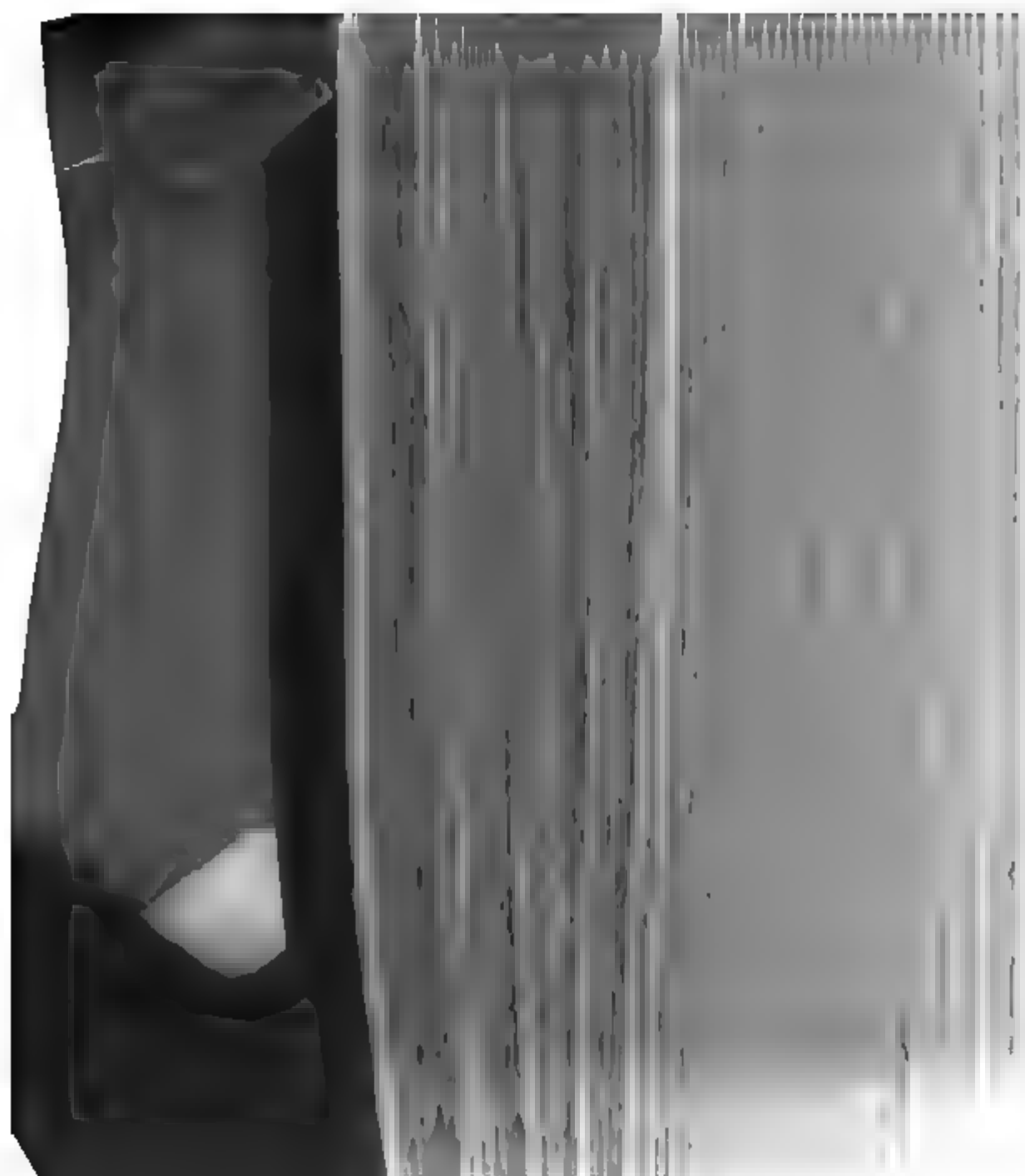
**20**

## Section C.

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[illegible]



nation from the funds of the National Treasury, arising from the produce of the duties on importation and exportation, until 1866, in accordance with the provision in the first section of Article LXVII, from that of the sale or letting of lands belonging to the nation, from the postal revenue, from the other taxes imposed on the people equitably and proportionably by the General Congress; and from the loans or credit transactions which that Congress decrees for urgencies of the nation, or for undertakings of national utility.

V. Each province shall enact a Constitution for itself upon the representative republican system, in accordance with the principles, declarations and guarantees of the national Constitution; and which shall secure its administration of justice, its municipal government, and primary education. Upon these conditions the Federal Government guarantees to each province the enjoyment and exercise of its institutions.

VI. The Federal Government intervenes in the territory of the provinces to guarantee the republican form, on the requisition of their constituted authorities, to maintain them or to re-establish them if they should have been deposed by sedition or by invasion from another province.

VII. The public acts and judicial proceedings of one province enjoy entire trust in the others; and the Congress may by general laws determine what shall be the probatory form of those acts and proceedings, and the legal effects which they are to produce.

VIII. The citizens of each province enjoy all the rights, privileges, and immunities inherent in the title of citizen in all the others. The extradition of criminals is a reciprocal obligation among all the provinces.

IX. There shall be none other than national Custom-Houses throughout the territory of the nation, and the tariffs observed therein shall be those which the Congress sanctions.

X. The circulation of goods of the national production or manufacture is free of duty in the interior of the Republic, as well as that of all kinds of merchandize and commodities dispatched at the exterior Custom-Houses.

XI. Articles of national or foreign production and manufacture, as well as cattle of all kinds which pass through the territory of one province to another, shall be free from what are called transit dues, together with the vehicles, vessels, or animals which transport them; and no other duty can be imposed on them hereafter, whatever may be its denomination, for the act of passing through the territory.

XII. Vessels going from one province to another shall not be obliged to enter, anchor, and pay duty on account of transit; nor

to navigate and trade ; to petition t  
in, pass through, and go out of the  
their ideas through the press withou  
and dispose of their property ; to a  
profess their faith freely ; to teach

XV. There are no slaves in the  
exist now become free from the awe  
a special law will regulate the inden  
tion may render necessary. Any ag  
of human beings is a crime for wh  
responsible, as well as the notary o  
and the slaves, in whatever manner  
free from the sole fact of treading t

XVI. The Argentine nation d  
blood, or of birth ; there are no p  
nobility therein. All its inhabitan  
admissible to office without any oth  
Equality is the basis of taxation and

XVII. Property is inviolable, a  
can be deprived of it, except by vi  
law. Expropriation for purposes o  
rized by law, and previous indemnifi  
alone imposes the taxes mentione  
service can be exacted unless by virt  
founded on law. Every author or  
prioritor of his work, invention, or

authority. The defence of person and of rights on trial is inviolable, as well as epistolary correspondence and private papers; and a special law will determine in what cases and upon what grounds of justification they may be interfered with and taken possession of. The punishment of death for political offences, every kind of torment, and flogging are abolished for ever. The national prisons shall be healthy and clean, adapted for the security and not for the punishment of those detained in them, and every measure which, under pretext of precaution, may tend to annoy the prisoners more than their security requires, shall be upon the responsibility of the magistrate who sanctions it.

XIX. The private actions of men, which in no way offend against order and public morality, nor prejudice others, are reserved to God alone, and are exempt from the authority of the magistrates. No inhabitant of the nation shall be obliged to do what the law does not order, nor shall be deprived of that which it does not prohibit.

XX. Foreigners enjoy in the territory of the nation all the civil rights of the citizen; they may exercise their calling, trade, or profession; possess landed property; buy it and dispose of it; navigate the rivers and coasts; freely profess their faith; make wills and marry according to the laws. They are not obliged to receive the citizenship, nor to pay extraordinary forced contributions. They become naturalized by residing two years continuously in the nation; but this term may be shortened by the authority in favour of him who asks for it, alleging and proving services to the Republic.

XXI. Every Argentine citizen is bound to arm in defence of the country and of this Constitution, in accordance with the laws passed by Congress for the purpose, and with the decrees of the national Executive. Citizens by naturalization are free to render this service or not for the period of 10 years, reckoned from the day when they obtain their letter of citizenship.

XXII. The people neither deliberate nor govern, except by means of their representatives and authorities created by this Constitution. Any armed force or assemblage of persons which assumes to itself the rights of the people, and petitions in their name, commits the crime of sedition.

XXIII. In case of internal commotion or of an external attack endangering the exercise of this Constitution, and the authorities which it creates, the province or territory wherein the disturbance of order exists, shall be declared in a state of siege, and the constitutional guarantees shall be suspended there. But during that suspension the President of the Republic shall not have the power of condemning or of assigning punishment by himself. His

ritory or foreigners whose object is trade, and to introduce and teach t

XXVI. The navigation of the free for all flags, subject only to national authority.

XXVII. The Federal Governmentations of peace and commerce w Treaties in conformity with the prin in this Constitution.

XXVIII. The principles, guar the preceding Articles, cannot be a their exercise.

XXIX. The Congress cannot c nor the Provincial Legislatures t either extraordinary faculties or t they authorize such submission to macy, as that the lives, the honour, people should be at the mercy of G Acts of this nature are of them subject those who prepare them, them, to the responsibility and pu their country.

XXX. The Constitution may b of its parts. The necessity for n the Congress by the vote of at l but it shall only be carried into e for the purpose.

**XXXIII.** The declarations, rights, and guarantees specified the Constitution, shall not be understood as negating other rights and guarantees not specified, but which spring from the principle the sovereignty of the people, and the republican form of Government.

**XXXIV.** The judges of the Federal Courts, cannot be at the same time judges of the provincial tribunals; neither does the federal service, whether civil or military, give residence in the province in which it is performed, and which is not that of the habitual domicile of the officer; this is to be understood for the purpose making appointments to offices in the provinces where they accidentally occur.

**XXXV.** The denominations successively adopted from 1810 to the present time, that is: United Provinces of the River Plate, Argentine Republic, Argentine Confederation, shall be in future indiscriminate official names for the designation of the Government and territory of the provinces; the words Argentine nation being employed in the formation and sanction of the laws.

## PART II.—*Authorities of the Nation.*

### TITLE I.—*Federal Government.*

#### Sect. 1.—*Of the Legislative Power.*

**XXXVI.** A Congress composed of two Chambers, one of Deputies of the Nation, and the other of Senators of the Provinces and of the Capital, shall be invested with the legislative power of the nation.

#### Chap. I.—*Of the Chamber of Deputies.*

**XXXVII.** The Chamber of Deputies shall be composed of representatives elected directly by the people of the provinces and of the capital, which shall be considered for this purpose as electoral districts of a single State; the election shall be by simple plural of suffrages, at the rate of one representative for every 20,000 inhabitants, or of a fraction not below the number of 10,000.

**XXXVIII.** The Deputies for the first Legislature shall be appointed in the following proportion:—For the province of Buenos Ayres, 12; for that of Cordova, 6; for that of Catamarca, 3; for that of Corrientes, 4; for that of Entre-Rios, 2; for that of Jujui, 2; for that of Mendoza, 3; for that of Rioja, 2; for that of Salta, 2; for that of Santiago, 4; for that of San Juan, 2; for that of San Fé, 2; for that of San Luis, 2; and for that of Tucuman, 3.

**XXXIX.** For the second Legislature the general census shall have to be taken, and by that the number of Deputies will be regulated, but the census can only be renewed every 10 years.



4 years, and are re-eligible, but the moiety every two years; for which appointed for the first Legislature shall decide by lot who are to go out at the

XLIII. In case of a vacancy, the Governor or of the capital causes the election of

XLIV. The initiative of the law of recruiting of troops belongs exclusively to the

XLV. That Chamber alone has the right to impeach before the Senate against the President, Ministers, and the members of the Superior and inferior tribunals of the nation in case of neglect of functions or for ordinary crimes, and the Senate may declare by a majority of two-thirds that there are grounds for the institution of

#### Chap. II.—Of the

XLVI. The Senate shall be composed of two members from each province elected by their Legislature, and two for the capital elected in the form of the President of the nation. Each Senator shall

XLVII. To be elected a Senator must be at least 30 years of age, to have been a citizen of the Republic for an annual income of 2,000 dollars or an equivalent, and to be a native of the province in which he resided therein for the last two years

L. The Senate shall appoint a provisional President to preside over it in the absence of the Vice-President, or when that personage exercises the functions of President of the nation.

LL. To the Senate it belongs to try in public trial those persons who are accused by the Chamber of Deputies, and its members must be sworn for the performance of that duty. If the accused be the President of the nation, the Senate shall be presided over by the President of the Supreme Court. No one shall be declared guilty unless by a majority of two-thirds of the members present.

LII. Its sentence shall have no further effect than to dismiss the accused, and it may also declare him incapable of filling any post of honour in the confidence or pay of the nation; but the individual so condemned will remain, nevertheless, subject to accusation, trial, and punishment, in accordance with the laws, before the ordinary tribunals.

LIII. It also belongs to the Senate to authorize the President of the nation to declare one or more parts of the Republic in a state of siege, in case of attack from without.

LIV. When the place of any Senator shall become vacant, by death, resignation, or other cause, the Government to which the vacancy belongs shall immediately cause the election of a new member.

Chap. III.—*Enactments common to both Chambers.*

LV. Both Chambers shall assemble in ordinary sessions from the 1st of May to the 30th of September every year. They may also be convoked extraordinarily by the President of the nation, or have their sessions prorogued.

LVI. Each Chamber is the judge as to the validity of the elections, the rights and qualifications of its members. Neither of them can begin its session without the absolute majority of its members; but a lesser number may compel the absent members to attend the sessions, upon the terms and under the penalties which each Chamber may establish.

LVII. Both Chambers begin and likewise end their sessions at the same time. Whilst they are assembled, neither of them can suspend its sessions for more than 3 days without the consent of the other.

LVIII. Each Chamber shall make its own regulations, and shall have the power of correcting, by two-thirds of its votes, any of its members for disorderly conduct in the exercise of their functions, or to remove them for physical or moral incapacity supervening after their incorporation, or even to exclude them the Chamber; but a majority of one more than the moiety of the



portionably equal throughout the national territory, whenever they may be required for the defence, common security, and general welfare of the nation.

3. To contract loans of money on the credit of the nation.

4. To arrange for the use and the alienation of the lands belonging to the nation.

5. To establish and regulate a national bank in the capital and its branches in the provinces, with the power of issuing notes.

6. To regulate the payment of the external and internal debt of the nation.

7. To determine every year the estimate of the expenses of the national administration, and to approve or reject the account of the expenditure.

8. To grant aids from the National Treasury to those provinces whose revenues are not sufficient, according to their estimates, to cover the ordinary expenses.

9. To regulate the free navigation of the rivers in the interior, to qualify such ports as may be considered expedient, and to establish and suppress Custom-Houses; but the external Custom-Houses which existed in each province at the time of its incorporation must not be suppressed.

10. To have money stamped, to fix its value, as well as that of foreign coin, and to adopt a uniform system of weights and measures for the whole nation.

11. To enact the civil, commercial, penal, and mining codes, which must not interfere with the local jurisdictions, their application belonging to the federal or provincial tribunals, according as the matters or persons may fall under their respective jurisdictions; and especially to enact general laws for the whole nation, respecting naturalization and citizenship, with subjection to the principle of natural citizenship; also respecting bankruptcies, respecting the falsification of the current coin and the public documents of the State; as well as those laws which may be required for the establishment of trial by jury.

12. To regulate the commerce with foreign nations by sea and land, and that of the provinces amongst themselves.

13. To arrange and establish the general posts and mails of the nation.

14. To settle definitively the boundaries of the territory of the nation, to fix those of the provinces, to create other new provinces, and to determine by special legislation, the organization, administration, and government, for the national territories which remain without the boundaries assigned to the provinces.

15. To provide for the security of the frontiers, to preserve

exploration of the internal rivers, by  
purposes, and by the temporary co-  
encouraging rewards.

17. To establish tribunals inferior  
Justice, to create and suppress places  
to grant pensions, to decree honour  
amnesties.

18. To admit or reject the reason  
President or Vice-President of the  
case of proceeding to a new election,  
make the rectification thereof.

19. To approve or reject the Tre  
the Concordats with the Apostolic See  
of the patronage throughout the nation

20. To admit into the territory of  
gious orders besides those already exist

21. To authorize the Executive  
conclude peace.

22. To grant letters of marque and  
regulations for the prizes.

23. To determine the force of the  
time of peace and war, and to draw up  
the government of those forces.

24. To authorize the union of the  
or of part of them, when required for  
the nation, or when it is necessary for

siege, in case of internal commotion, and to approve or suspend the state of siege declared during its recess by the Executive Power.

27. To exercise an exclusive legislation in the whole of the territory of the capital of the nation, and over the other localities acquired by purchase or cession in any of the provinces, for the erection of fortresses, arsenals, magazines, or other establishments of national utility.

28. To make all the laws and regulations which may be fitting for the operation of the foregoing Powers, and all others granted by the present Constitution to the Government of the Argentine nation.

Chap. V.—*Of the Formation and Sanction of the Laws.*

LXVIII. The laws may have their beginning in either of the Chambers of Congress, by means of projects submitted by their members, or by the Executive Power, excepting those relating to the matters mentioned in Article XLIV.

LXIX. When a project of law has been approved by the Chamber wherein it originated, it passes to the other Chamber for discussion. When it has been approved by both Chambers, it passes to the Executive Power of the nation for his examination, and if it also meets with his approbation, he promulgates it as law.

LXX. Every project is considered as approved by the Executive Power, if it be not returned within the term of 10 available days.

LXXI. No project of law that has been totally rejected by one of the Chambers can be reintroduced during the sessions of that year. But if it have only been added to, or corrected by the revising Chamber, it is to return to that wherein it originated; and if the additions or corrections be approved therein by absolute majority, it is to pass to the Executive Power of the nation. If the additions or corrections be rejected, the project shall return a second time to the revising Chamber, and if the additions or alterations be again sanctioned by a majority of two-thirds of its members, the project shall pass to the other Chamber, and it shall not be understood that this latter rejects the said additions or corrections, unless it agrees to do so by the vote of two-thirds of its members present.

LXXII. When a project of law has been rejected wholly or in part by the Executive Power, it returns with his objections to the Chamber of its origin, by which it is again discussed, and if it be confirmed by a majority of two-thirds of the votes, it passes a second time to the Chamber of revision. If both Chambers sanction it by a like majority, the project becomes law, and passes to the Executive Power for its promulgation. The voting in both Chambers shall, in this case, be nominal, by Yes or No; and the names and grounds of





nation. If I should not do so, let God and the nation call me to account."

Chap. II.—*Of the form and time of the Election of the President and Vice-President of the Nation.*

LXXXI. The election of the President and Vice-President of the nation shall be effected in the following manner: The capital and each of the provinces shall appoint by vote a committee of electors, equal to twice the total number of the Deputies and Senators whom they send to Congress, with the same qualifications, and with observance of the same forms as are prescribed for the election of the Deputies.

The Deputies, the Senators, and persons in the pay of the Federal Government cannot be electors,

The electors assembled in the capital of the nation, and in those of the respective provinces, 4 months before the conclusion of the retiring President's term, shall proceed to the election of a President and Vice-President of the nation by signed papers, mentioning in one of them the person for whom they vote as President, and in another separate paper the person whom they elect for Vice-President.

Two lists shall be made of all the persons selected for President, and two others of those nominated for Vice-President, with the number of votes which each has obtained. These lists shall be signed by the electors, and two of them (one of each kind) shall be remitted closed and sealed to the President of the Provincial Legislature, and in the capital to the President of the Municipality, in whose archives they shall be kept closed and deposited, and the other two shall be sent to the President of the Senate (the first time to the President of the Constituent Congress).

LXXXII. The President of the Senate (the first time the President of the Constituent Congress) having collected all the lists, shall open them in presence of both Chambers. Four members of the Congress, chosen by lot, being associated with the Secretaries, they shall proceed to make the scrutiny and to declare the number of suffrages given in favour of each candidate for the Presidency and Vice-Presidency of the nation. Those who unite in both cases the absolute majority of all the votes, shall be immediately proclaimed President and Vice-President.

LXXXIII. In case that from the division of the votes, there be no absolute majority, the Congress shall elect between the two persons who shall have obtained the greatest number of suffrages. If the first majority should have fallen upon more than two persons, the Congress shall elect from among all of them. If the first majority should have fallen upon one person only, and the second upon

ment or the Senate (the President or first time) shall decide. Neither the of these elections can take place until number of the Members of Congress

LXXXV. The election of the President of the nation must be concluded in one year and the result is to be immediately announced by the press.

### Chap. III.—*Attributions of the President*

LXXXVI. The President of the United States has the following attributions:

1. He is the Supreme Chief of the general administration of the country.

2. He issues the instructions and orders for the execution of the laws of the United States, and he may not infringe their spirit by regulatory measures.

3. He is the immediate and local representative of the nation.

4. He participates in the enactment of laws, and he sanctions and promulgates them.

5. He appoints the magistrates of the inferior federal tribunals, with the consent of the Senate.

6. He can remit or commute the punishment of the federal jurisdiction, on a previous recommendation of the tribunal, except in cases of accusation of treason.

7. He grants superannuations, re

**Chargés-d'Affaires in concert with the Senate; and he appoints and removes, by his own authority alone, the Secretaries of State, the officers of their departments, the Consular Agents, and the other persons employed by the administration, whose appointment is not otherwise regulated by this Constitution.**

11. He annually opens the Sessions of the Congress, both Chambers being assembled for that purpose in the hall of the Senate; on that occasion he gives the Congress an account of the state of the nation, of the reforms promised by the Constitution, and recommends to its consideration such measures as he deems necessary and expedient.

12. He prorogues the ordinary sessions of the Congress, or convokes it in extraordinary sessions, when important interests of order or progress require it.

13. He has the revenues of the nation collected, and decrees their application in accordance with the law of the estimates of national expenses.

14. He concludes and signs Treaties of Peace, Commerce, Navigation, Alliance, Boundaries, and Neutrality, Concordats, and other negotiations required for the maintenance of good relations with foreign powers; he receives their Ministers, and admits their Consuls.

15. He is the Commander-in-chief of all the military and naval forces of the nation.

16. He fills the military offices of the nation, in concert with the Senate, by conferring the posts or rank of the superior officers of the army and navy; and he does this on his own authority alone, on the field of battle.

17. He disposes of the naval and military force by land and sea, and attends to their organization and distribution, according to the necessities of the nation.

18. He declares war and grants letters of marque and reprisal, with the authority and approval of the Congress.

19. He declares one or more parts of the nation in a state of siege, in case of attack from without, and for a limited period, with the concurrence of the Senate. In case of internal commotion, he has this power only when the Congress is in recess, because it is an attribution which belongs to that body. The President exercises it within the limitations prescribed in Article XXIII.

20. He may demand from the chiefs of all the branches and departments of the administration, and through them from the other persons employed, such reports as he considers expedient, and they are bound to furnish them.

21. He cannot absent himself from the territory of the capital without the permission of Congress. During the recess of Congress

he can only be absent, without leave, for important purposes of public service.

22 The President shall have the power of filling vacancies in offices which require the concurrence of the Senate, and which occur during its recess, by means of appointments in commission, which shall expire at the end of the next legislature.

Chap. IV.—*Of the Ministers of the Executive Power.*

LXXXVII. Five Minister Secretaries, that is to say: of the Interior, of Foreign Affairs, of Finance, of Justice, Worship, and Public Instruction. and of War and Marine, shall undertake the dispatch of the affairs of the nation, and shall countersign and legalize the acts of the President by their signature, without which requisite those acts shall be of no effect. A law shall define the branches of the respective offices of the Ministers.

LXXXVIII. Each Minister is responsible for the acts which he legalizes, and jointly for those in which he concurs with his colleagues.

LXXXIX. The Ministers cannot, in any case, form resolutions by themselves alone, excepting in what concerns the economical and administrative regulation of their respective departments.

XC. As soon as the Congress opens its sessions, the Ministers of State are to lay before it a detailed memorial of the state of the nation in regard to the business of their respective departments.

XCI. The Ministers cannot be Senators or Deputies without resigning their offices.

XCII. The Ministers can attend the sittings of the Congress, and take part in the debates, but they cannot vote.

XCIII. They shall receive for their services a salary fixed by law, which can neither be augmented nor diminished in favour or to the prejudice of those holding office.

Sect. 3.—*Of the Judicial Power.*

Chap. I.—*Of its nature and duration.*

XCIV. The judicial power of the nation shall be exercised by a Supreme Court of Justice, and by the other inferior tribunals which the Congress may establish in the territory of the nation.

XCV. In no case can the President of the nation exercise judicial functions, arrogate to himself the cognisance of pending causes, or re-open those that have been concluded.

XCVI. The Judges of the Supreme Court and of the inferior tribunals of the nation shall hold their offices so long as they conduct themselves properly, and they shall receive for their services a compensation, to be determined by law, and which cannot be diminished in any way so long as they shall remain in office.

**XCVII.** No one can be a member of the Supreme Court of Justice without being an advocate of the nation, with 8 years practice, and having the qualifications required for a Senator.

**XCVIII.** At the first installation of the Supreme Court the individuals appointed shall take oath, at the hands of the President of the nation, to perform their duties in administering justice legally and well, and in conformity with what this Constitution prescribes. For the future they shall take the oath before the President of the Court itself.

**XCIX.** The Supreme Court will make its own internal and economical regulations, and will appoint to all its subaltern employments.

**Chap. II.—*Attributions of the Judicial Power.***

**C.** To the supreme court and the inferior tribunals of the nation, belong the cognizance and decision of all causes concerning points regulated by the Constitution, by the laws of the nation, with the reservation made in section 11 of Article LXVII, and by Treaties with foreign nations, of causes relating to Ambassadors, public Ministers, and Consuls of foreign nations; of causes concerning the Admiralty and maritime jurisdiction; of matters to which the nation is a party; of the causes which arise between two or more provinces; between one province and the inhabitants of another; between the inhabitants of different provinces; and between a province or its inhabitants and a foreign State or citizen.

**CI.** In these cases the supreme court exercises its jurisdiction on appeal according to the rules and exceptions which the Congress may prescribe; but in all matters relating to Ambassadors, Ministers, and Consuls of foreign nations, and in those to which any province is a party, it shall exercise original and exclusive jurisdiction.

**CII.** All ordinary criminal trials not arising from the right of accusation conceded to the Chamber of Deputies shall be concluded by juries, so soon as that institution is established in the nation. These trials shall take place in the province where the crime has been committed; but when it has been committed beyond the bounds of the nation against the law of nations, the Congress shall determine by a special law where the trial is to take place.

**CIII.** Treason against the nation shall consist solely in taking arms against it, or in joining its enemies and affording them aid or succour. The Congress will fix by a special law the punishment of this crime, but it shall be confined to the person of the delinquent, nor shall the infamy of the offender be transmitted to his relations of any grade whatever.

TITLE II.—*Governments of Provinces.*

CIV. The provinces retain all the power not delegated by this Constitution to the Federal Government, as well as that which may have been expressly reserved by special compacts at the time of their incorporation.

CV. They establish their own local institutions and govern themselves by them. They elect their governors, their legislators, and the other provincial functionaries, without the intervention of the Federal Government.

CVI. Each province enacts its own constitution according to the provision in Article V.

CVII. The provinces may conclude partial Treaties for purposes of administration of justice, of economical interests, and works of common utility, with the knowledge of the Federal Congress; and they may promote their industrial interests, immigration, the construction of railways and navigable canals, the colonization of lands which are provincial property, the introduction and establishment of new occupations, the importation of foreign capital, the exploration of their rivers, by laws conducive to those purposes, and from their own resources.

CVIII. The provinces do not exercise the power delegated to the nation. They cannot conclude partial Treaties of a political character, nor establish provincial Custom-Houses, nor coin money, nor establish banks with power to issue notes without the authority of the Federal Congress, nor enact the civil, commercial, penal and mining codes after the Congress has sanctioned them, nor especially enact laws concerning citizenship and naturalization, bankruptcies, falsification of money or State documents, nor establish tonnage dues, nor arm vessels of war or raise armies, except in the case of external invasion or of danger so imminent as to admit of no delay, when immediate information is to be given to the Federal Government, nor appoint or receive foreign agents, nor admit new religious orders.

CIX. No province can either declare or make war against another province. Their complaints must be submitted to and be settled by the supreme court of justice. Their actual hostilities are acts of civil war, characterized as sedition or tumult, which the Federal Government has to quell and suppress in conformity with the law.

CX. The Governors of provinces are the natural agents of the Federal Government for causing the fulfilment of the Constitution and the laws of the nation.

Agreed to with the alterations sanctioned by the national Convention.

Let it be communicated in accordance with Article IX of the Convention of 6th June of the present year.\*

Let it be fulfilled throughout the territory of the nation, and let it be published.

Sessions Hall of the National Convention, in the city of Santa Fé, on the 25th day of the month of September, 1860.

MARIANO FRAGUEIRO.

LUCIO V. MANSILLA, *Secretary*.

CARLOS MARIA SARAVIA, *Secretary*.

*Department of the Interior,  
Paraná, October 1, 1860.*

Let this be considered as fundamental law of the Argentine nation, let it be published and circulated.

JUAN PUJOL.

DERQUI.

*DECKEE of the Supreme Government of Paraguay, regulating the Treatment of Foreigners within the Republic.—Assumption, May 20, 1845.*

(Translation.)

THE Supreme Government of the Republic, considering that it is right to promote and cultivate friendship, good understanding, and harmony with foreign Powers, and that with this view it is important to make the national authorities acquainted with the system to be applied and observed for the protection of foreign subjects, by virtue of and in conformity with the fundamental laws of the State, and their political and commercial principles, decrees that the following regulations be strictly observed:

ART. I. The Supreme Government of the Republic will uphold a perfect and absolute equality as a general and unalterable principle in its political relations with foreign Powers; so that in identical cases and circumstances, no privilege, exemptions or advantages whatever, will be granted to one nation, that are not granted to others.

II. Therefore all foreigners whatever may come to the ports of the Republic open to external commerce, and transact their mercantile business with entire freedom.

III. For the present, and so long as the Government shall consider that those circumstances exist which have rendered it necessary to appoint those ports for foreigners, the latter shall not enter the country at any other places without the special licence of the Government.

IV. Every foreigner shall enjoy, while he remains in the Republic, the most complete freedom in his business, and in the exercise of

\* Vol. LI. Page 904.



his occupation and craft; he shall likewise enjoy the most complete protection and security for his person, provided that he respect the authorities and the laws of the State.

V. Every foreigner is exempt from forced military service by land or water, from military exactions or requisitions, from extraordinary contributions; and he shall only pay the ordinary ones established for natives, with the slight difference which the law appoints between natives and foreigners.

VI. No foreigner shall be persecuted or molested for religious reasons, only their special worship must not be public, and they must respect that of the State in itself, in its ministers, as well as in its public uses and customs.

VII. Foreigners are not obliged to commit their business to any other person, or to brokers; they enjoy the same guarantees as natives in this respect.

VIII. Capital, revenue, and property of whatever kind, belonging to foreigners residing within the territory of the Republic, which may be confided to the State or to private persons, shall be respected and inviolable both in peace and war.

IX. In conformity with the principle recognized in the preceding Article, in case of a rupture between the Republic and any foreign nation, the subjects or citizens of the latter, residing within the dominions of the Republic, may remain therein, and continue their trade and occupation without interruption, while they conduct themselves with due fidelity, and do not in any way violate the laws and regulations in force.

X. For the exportation of gains from the Republic, they shall not pay any higher tax than is paid by natives.

XI. The Supreme Government of the Republic may cause the departure from it, either in peace or in war, of every foreigner who by his ill behaviour may give cause for such a measure; granting him, however, a reasonable time for the arrangement of his affairs.

XII. Every foreigner resident in the Republic has the right to dispose of his property, whether by will or in any other form that he may think fitting.

XIII. In case any foreigner should die within the territory of the Republic without having made his last will or testament, his property shall be preserved in the manner directed by the following Article, for his heirs *ab intestato*, or for his creditors, if they appear.

XIV. In the case mentioned in the foregoing Article, that is to say, of the decease of any foreigner without a will, the magistrate of his district, accompanied by two honourable countrymen of the deceased, or for want of them, with two neighbours, shall proceed as soon as possible to draw up a detailed inventory of all the pro-

perty which he may have left, and after placing it in security, shall give an account to the Government, with the inventory, in order that it may provide a depository, according as the nature of the property may admit.

XV. The said intestate death shall afterwards be announced by the press, for the information of those interested. If any one should appear as heir or creditor, he shall be heard by way of legal procedure.

XVI. If no interested persons should appear, or if the proceedings should be delayed so that the property might be deteriorated, it shall be put up to public auction, and its produce shall be deposited with the Treasurer and Collector-General.

XVII. In case those interested do not prove their claims legally, or do not appear within two years from the date of the publication ordered in the above Article XV, the deposit shall, after the expiration of that term, be adjudged to the National Treasury.

XVIII. The property which may be delivered to foreigners who are legitimate relations, in the descending or ascending line, of foreigners who died leaving wills or intestate, shall pay a tax of 5 per cent. at the time of delivery. If it should be delivered to any other foreign inheritors, not being relations in the descending or ascending line, whether by virtue of a will, or by succession through intestacy, it shall pay 10 per cent.

And in order that this may be made known to all, let it be published in the usual form, and let it be sent to the national repertory.

Assumption, May 20, 1845.

CARLOS ANTONIO LOPEZ.

ANDREAS GILL, *Secretary of the Supreme Government.*

*TREATY of Friendship, Commerce, and Navigation, between Prussia and the other States of the Zollverein, on the one part; and Paraguay, on the other part.—Signed at Assumption, August 1, 1860.*

(Translation.)

HIS ROYAL HIGHNESS the Regent, Prince of Prussia, in the name of His Majesty the King of Prussia, for himself, and as representing the Sovereign countries and provinces associated in the Prussian Customs and Commercial system, namely, the Grand Duchy of Luxemburg, the Grand Ducal Mecklenburg detached territories of Rossow, Netzeband, and Schönberg, the Grand Ducal Oldenburg Principality of Birkenfeld, the Duchies of Anhalt-Dessau-Cöthen and Anhalt-Bernburg, the Principalities of Waldeck and Pyrmont,

Baden, the Electorate of Hesse, the  
senting, at the same time, the  
ing to the Landgraviate of Hesse  
forming the Thuringian Customs  
the Grand Duchy of Saxony, the  
Saxe-Altenburg, and Saxe-Cobourg  
of Schwarzburg-Rudolstadt, and Saxe-Weimar  
of the elder and Reuss of the younger  
wick, the Duchy of Oldenburg, the  
city of Frankfort, on the one part  
sident of the Republic of Paraguay  
animated by the desire of extend-  
lations of friendship, commerce, and  
of the Zollverein and the Republic  
fitting and convenient to open a  
Treaty for that purpose, and have  
tentiaries, that is to say :

His Royal Highness the Prince  
derich von Gülich, his Royal Highness  
Republic of Paraguay ; and

His Excellency the President  
Francisco Sanchez, citizen of Paraguay,  
State for Foreign Affairs ;

Who, after having communicated  
powers, which were found to be in  
upon the following Articles :

ART. I. There shall be perfect

liberty to enter into and to depart from all the places and ports above mentioned, freely and securely, with their vessels and cargoes, to remain and reside in any part of the said territories, hire houses and warehouses, and carry on trade in all kinds of natural and manufactured produce and articles of authorized traffic, so far as the laws of the land allow, provided that they observe therein the customs and established usages of the country. They may discharge the whole or part of their cargoes in the ports of Pilar, and where commerce is allowed with other nations, or proceed with the whole or part of their cargo to the port of Assumption, as the captain, master, or other person duly authorized, may think fitting.

Paraguayan citizens who may arrive at the ports of the Zollverein States with cargoes in Zollverein or in Paraguayan vessels, shall be treated and considered in the same manner.

III. The two High Contracting Parties agree that any favour, privilege, or immunity relating to commerce or navigation, that either of the two Contracting Parties actually has conceded or may concede in future to the subjects or citizens of any other State, shall be extended in identity of cases and circumstances, to the subjects or citizens of the other Contracting Party, gratuitously if the concession to that other State should have been gratuitous, or in exchange for an equivalent compensation, if the concession should have been conditional.

IV. No other or higher duties shall be imposed either on the importation or on the exportation of any article the natural or manufactured produce of the two Contracting States, than those which are paid or may hereafter be paid for the like article being the natural or manufactured product of any other foreign country. No prohibition whatever shall be imposed on the importation or on the exportation of any article of the natural produce, the productions or manufactures of the territories of either of the Contracting Parties, into or out of the territories of the other, which shall not be likewise extended to the importation and exportation of the like articles for the territories of any other nation.

V. No other or higher duties or charges shall be imposed in any of the ports of the territories of the Republic of Paraguay on vessels of the States of the Zollverein for tonnage, lighthouse, port or pilotage dues, or for salvage in cases of damage or shipwreck, or any other local charges whatever, than those which are paid in the same ports by Paraguayan vessels; nor in the ports of the States of the Zollverein on Paraguayan vessels than those which are paid in the same ports on vessels of the States of the Zollverein.

VI. The same duties on importation and exportation shall be paid for any article which can now be legally imported or exported in the dominions of the States of the Zollverein and in those of

Paraguay, whether the importations or exportations be in vessels of the States of the Zollverein or in Paraguayan vessels.

VII. All vessels which, according to the laws of the States of the Zollverein, are to be considered as vessels of the Zollverein States, and all vessels which, according to the laws of Paraguay, are to be considered as Paraguayan vessels, shall be considered for the purposes of this Treaty as vessels of the Zollverein States and Paraguayan vessels respectively.

VIII. The subjects of the Zollverein States shall pay in the Republic of Paraguay the same duties on importation and exportation as are established, or shall be established for Paraguayan citizens. In like manner the latter shall pay in the Zollverein States the duties established or hereafter to be established for the subjects of the Zollverein States.

IX. All merchants, commanders of vessels, and others, subjects or citizens of each country respectively, shall have full liberty in all the territories of the other to manage their affairs themselves, or to entrust the management thereof to whomsoever they may think best, as agent, broker, factor, or interpreter; and they shall not be obliged to employ any other persons than those employed by the natives, nor to pay the persons whom they think proper to employ more salary or remuneration than what is paid in similar cases by the natives.

X. The subjects of the Zollverein States in Paraguay and the citizens of Paraguay in the Zollverein States, shall enjoy the same complete freedom as is now enjoyed, or shall be enjoyed in future by the natives of each country respectively, for buying of whomsoever they may think best, and for selling all articles of lawful commerce, and for fixing the prices thereof according as they may think fitting, without restriction by reason of any monopoly, contract, or exclusive privilege of sale or purchase, subject nevertheless to the general and ordinary taxes and imposts established by law.

The subjects or citizens of each of the two Contracting Parties shall enjoy in the territories of the other complete and perfect protection for their persons and property; shall have free and easy access to the courts of justice for the prosecution or for the assertion and defence of their just rights; they shall enjoy in this respect the same rights and privileges as the native subjects or citizens, and they shall be at liberty to employ in all their causes such advocates, attorneys, or agents of any kind as they may think proper.

XI. In all that relates to the police of the ports, to the loading or unloading of vessels, the warehousing and security of merchandize, goods, and effects, to succession to movable property by testament or otherwise, and to the disposal of movable property of every kind and denomination by sale, donation, exchange, or testament, or in

any other way, as likewise in respect to the administration of justice, the subjects and citizens of each Contracting Party shall enjoy in the dominions or territories of the other the same rights, privileges, and immunities as the native subjects or citizens; and they shall not be charged in respect of any of these matters with other or higher imposts or duties than those which are paid or may be paid hereafter by the native subjects or citizens, subject always to the laws and the local regulations in the said territories or dominions. In case any subject or citizen of either of the two Contracting Parties should die intestate in the territories or dominions of the other Contracting Party, the Consul-General, Consul, or Vice-Consul of the nation to which the deceased belonged, or in the absence of them, the representative of such Consul-General, Consul, or Vice-Consul shall take charge, in so far as the laws of each country allow, of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, until an executor or administrator shall have been appointed by such Consul-General, Consul, or Vice-Consul, or by such representative.

XII. The subjects of the Zollverein States residing in the Republic of Paraguay, and the citizens of the Republic of Paraguay residing in the Zollverein States, shall be exempt from all forced military service of any kind, by sea or land, and from all forced loans, military exactions or requisitions; and they shall not be obliged to pay any other or higher charges, requisitions, or imposts than are paid, or may hereafter be paid by the native subjects or citizens.

XIII. Each of the two Contracting Parties shall be at liberty to appoint Consuls for the protection of commerce, who shall reside in the territories and dominions of the other party; but before the Consul acts as such, he shall be approved and admitted in the usual form by the Government to which he is sent; and either of the two Contracting Parties may except from the residency of Consuls such special places as it may consider it expedient so to except. The Diplomatic Agents and the Consuls of the Zollverein States shall enjoy in the Republic of Paraguay whatever privileges, exemptions, and immunities are granted, or may hereafter be granted there, to the Diplomatic Agents and Consuls of any other nation; and in like manner the Diplomatic Agents and Consuls of Paraguay shall enjoy in the dominions of the Zollverein States whatever privileges, exemptions, and immunities are granted there, or may be hereafter granted there, to the Diplomatic Agents and Consuls of any other nation.

XIV. For the greater security of the commerce between the subjects of the Zollverein States and the citizens of the Republic of Paraguay, it is agreed that if, unfortunately, at any time any interruption of the friendly relations, or any breach should occur between

and their property and effects, or when they be in their own custody or entrusted to the State, shall not be subject to any other charges or exactions than those to which similar property and effects belonging to the same persons, if they prefer to leave the country, they are subjected; and they shall be granted to them for the arrangements for the disposal of their property; and a safe-conduct for their embarkation at those ports they may select.

Consequently, in the case of such funds of the Contracting States shall not be confiscated, or withheld.

XV. The subjects or citizens of the Contracting Parties residing in the dominions or territories of the other, shall enjoy the protection of the Government of the latter, in persons, and property, in a manner as if they were native subjects or citizens.

In like manner the subjects or citizens of the Contracting Parties residing in the dominions or territories of the other, shall enjoy complete liberty of conscience, and shall not be obliged to change of their religious belief; and such persons may die in the territories of the other in public cemeteries, or in the places of their choice, with due decorum and respect.

The subjects of the Zollverein States and of the Republic of Paraguay shall be



His Majesty the King of Prussia, or to his representative in the Republic, the official declaration agreed to in this Article.

XVII. The present Treaty shall be ratified by the Governments of the Zollverein States within 8 months, and by his Excellency the President of the Republic of Paraguay, within 12 days from its date, and the ratifications shall be exchanged in this capital within the period of 18 months from the same date, or before if possible.

In witness whereof the respective Plenipotentiaries have signed this Treaty and have affixed their seals to it, in the city of Assumption, on the 1st day of the month of August, in the year of our Lord, 1860.

(L.S.) FREDRICH VON GULICH.

(L.S.) FRANCISCO SANCHEZ.

*LOI de la Belgique, sur les Extraditions.—Bruxelles, le 1er Octobre, 1833.*

LEOPOLD, Roi des Belges, à tous présents et à venir, Salut.

Nous avons, de commun accord avec les Chambres, décrété et nous ordonnons ce qui suit :

ART. I. Le Gouvernement pourra livrer aux Gouvernements des pays étrangers, à charge de réciprocité, tout étranger mis en accusation ou condamné par les tribunaux desdits pays pour l'un des faits ci-après énumérés, qui auraient été commis sur leur territoire :

1°. Pour assassinat, empoisonnement, parricide, infanticide, meurtre, viol ;

2°. Pour incendie ;

3°. Pour faux en écriture, y compris la contrefaçon de billets de banque et effets publics ;

4°. Pour fausse monnaie ;

5°. Pour faux témoignage ;

6°. Pour vol, escroquerie, concussion, soustraction commise par des dépositaires publics ;

7°. Pour banqueroute frauduleuse.

II. L'extradition ne sera accordée que sur la production du jugement ou de l'arrêt de condamnation ou de l'arrêt de la Chambre des mises en accusation, en original ou en expédition authentique délivrés par l'autorité compétente, et après avoir pris l'avis de la Chambre des mises en accusation de la Cour d'Appel dans le ressort de laquelle l'étranger aura été arrêté.

Le Ministère Public et l'Étranger seront entendus en Chambre

autorisé à procéder suivant les règ  
LXXXVII et XC du Code d'Instru

L'étranger pourra réclamer la lib  
un Belge jouit de cette faculté et sa  
demande sera soumise à la Chambre

La Chambre du Conseil décidera  
l'étranger, s'il y a lieu ou non de t  
les papiers et autres objets saisis  
demande l'extradition. Elle ordonn  
autres objets qui ne se rattachent  
au prévenu.

IV. L'étranger arrêté provisoir  
dans les 3 mois, il ne reçoit notifica  
tion ou d'un arrêt d'accusation.

V. Les Traités conclus en vertu  
dans le " Bulletin Officiel " et dans  
toute du royaume : ils ne pourront êt  
après la date que porte ce journal.

VI. Il sera expressément stipulé  
ne pourra être poursuivi ou puni  
rieur à l'extradition, ni pour aucun  
délit, ni pour aucun des crimes ou dé  
loi, sinon toute extradition, toute au  
dites.

VII. L'extradition ne peut avoir  
les poursuites ou la condamnation, la

*LOI de la Belgique, contenant une Disposition Additionnelle à l'Article VI de la Loi du 1er Octobre,\* 1833, sur les Extraditions.—Windsor, le 22 Mars, 1856.*

LEOPOLD, Roi des Belges, a tous présents et à venir, Salut.

Les Chambres ont adopté et nous sanctionnons ce qui suit :

ARTICLE UNIQUE. Le paragraphe suivant est ajouté à l'Article VI de la Loi du 1er Octobre, 1833 :

“ Ne sera pas réputé délit politique, ni fait connexe à un semblable délit, l'attentat contre la personne du chef d'un Gouvernement étranger ou contre celle des membres de sa famille, lorsque cet attentat constitue le fait soit de meurtre, soit d'assassinat, soit d'empoisonnement.”

Promulguons la présente loi, ordonnons qu'elle soit revêtue du sceau de l'Etat et publiée par la voie du “ Moniteur.”

Donné à Windsor, le 22 Mars, 1856.

Par le Roi :

LEOPOLD.

*Le Ministre de la Justice, NOTHOMB.*

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*CONVENTION d'Extradition entre la Belgique et le Grand-Duché de Bade.—Signée à Frankfort, le 11 Juin, 1844.*

[Ratifications échangées à Francfort, le 19 Août, 1844.]

SA Majesté le Roi des Belges et Son Altesse Royale le Grand-Duc de Bade désirant, de commun accord, conclure une Convention pour l'extradition réciproque d'accusés et de malfaiteurs, ont muni, à cet effet, de leurs pleins pouvoirs, savoir :

Sa Majesté le Roi des Belges : le Comte de Briey, Baron de Landres, Officier de son Ordre, Grand-Croix de la Légion d'Honneur, de l'Ordre d'Espagne de Charles III, de Saint Michel de Bavière, du Lion Néerlandais et du Sauveur de Grèce, Membre du Sénat, et son Envoyé Extraordinaire et Ministre Plénipotentiaire près Son Altesse Royale le Grand-Duc de Bade, près la Sérénissime Confédération Germanique, à la Cour Electorale de Hesse, à la Cour Grand-Ducale de Hesse et au Rhin, à la Cour Ducale de Nassau et près la Ville Libre de Francfort, &c. ;

Son Altesse Royale le Grand-Duc de Bade : le Baron de Blittersdorff, son Ministre d'Etat, Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Belges, Ministre à la Haute Diète Germanique, Grand-Croix de ses Ordres de la Fidélité et du Lion de Zähringen, des Ordres de Léopold d'Autriche et de l'Aigle

Rouge de Prusse, Grand-Officier de la Légion d'Honneur de France, Grand-Croix de Saint Hubert et de la Couronne de Bavière, du Lion d'Or de Hesse Electorale, de Louis de Hesse de Grand-Ducal et de l'Ordre de la Maison Ernestine de Saxe ;

Lesquels, en vertu des pouvoirs spéciaux qui leur ont été confiés, sont convenus des Articles suivants :

**ART. I.** Les Gouvernements de Sa Majesté le Roi des Belges et de Son Altesse Royale le Grand-Duc de Bade s'engagent à se livrer réciproquement, à l'exception de leurs nationaux, les individus réfugiés du Grand-Duché de Bade en Belgique, et de Belgique dans le Grand-Duché de Bade, et mis en accusation, ou condamnés par les tribunaux compétens, pour l'un des crimes ou délits ci-après énumérés, savoir :

1°. Assassinat, empoisonnement, parricide, infanticide, meurtre, viol ;

2°. Incendie ;

3°. Faux en écriture, y compris la contrefaçon de billets de banque, et effets publics ;

4°. Fausse monnaie ;

5°. Faux témoignage ;

6°. Vol, escroquerie, concussion, soustraction commise par des dépositaires publics ;

7°. Banqueroute frauduleuse.

**II.** S'il se présentait quelques cas rentrant dans la catégorie des faits prévus par l'Article précédent, tellement spéciaux et extraordinaires, que l'extradition de l'individu réclamé parût blesser l'équité et l'humanité, chacun des deux Gouvernements se réserve alors le droit de ne pas consentir à cette extradition. Il sera donné connaissance au Gouvernement qui réclame l'extradition des motifs du refus.

**III.** Si l'individu réclamé est poursuivi ou se trouve détenu pour un crime ou délit commis dans le pays où il s'est réfugié, son extradition pourra être différée jusqu'à ce qu'il ait subi sa peine, ou qu'il ait été acquitté par une sentence définitive.

**IV.** L'extradition ne sera accordée que sur la production d'un arrêt de condamnation ou de mise en accusation, délivré, en original ou en expédition authentique, soit par un tribunal, soit par une autre autorité compétente, dans les formes prescrites par la législation du Gouvernement qui demande l'extradition.

**V.** L'étranger réclamé pourra être arrêté provisoirement dans les deux pays, pour l'un des faits mentionnés à l'Article I, sur l'exhibition d'un mandat d'arrêt décerné par l'autorité compétente, et expédiés dans les formes prescrites par les lois du Gouvernement réclamant.

Cette arrestation aura lieu dans les formes et suivant les règles

prescrites par la législation du Gouvernement auquel elle est demandée.

L'étranger arrêté provisoirement sera mis en liberté, si dans les 3 mois il ne reçoit notification d'un arrêt de mise en accusation, ou d'un jugement de condamnation dans les formes prescrites par la législation du Gouvernement qui demande l'extradition.

VI. Il est expressément stipulé que l'individu dont l'extradition aura été accordée ne pourra, dans aucun cas, être poursuivi ou puni pour aucun délit politique antérieur à l'extradition, ni pour aucun fait connexe à un semblable délit, ni pour aucun des crimes ou délits non prévus par la présente Convention.

VII. L'extradition ne pourra avoir lieu si, depuis les faits imputés, les poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise, d'après les lois du pays dans lequel l'étranger se trouve.

VIII. Les objets saisis sur le prévenu, dont il se serait mis en possession par suite du crime, les instrument ou outils dont il se serait servi pour le commettre, ainsi que d'autres pièces de conviction, seront remis au Gouvernement requérant si l'autorité compétente de l'Etat requis en a ordonné la restitution.

IX. Les frais d'arrestation, d'entretien et de transport de l'individu dont l'extradition aura été accordée, resteront à la charge de chacun des deux Etats, dans les limites de leurs territoires respectifs.

Les frais de transports, &c., par le territoire des Etats intermédiaires, seront à la charge de l'Etat réclamant.

X. La présente Convention ne sera exécutoire que 10 jours après sa publication dans les formes prescrites par les lois de chaque pays.

Elle continuera à être en vigueur jusqu'à l'expiration de 6 mois, après déclaration contraire de la part de l'un des deux Gouvernements.

Elle sera ratifiée et les ratifications en seront échangées dans le délai de 6 semaines, ou plus tôt, si faire se peut.

En foi de quoi, nous, Plénipotentiaires de Sa Majesté le Roi des Belges et de Son Altesse Royale le Grand-Duc de Bade, avons signé et scellé la présente Convention à Francfort, le 11 Juin, 1844.

(L.S.) CTE. DE BRIEY.

(L.S.) BON. DE BLITTERSDORFF.



SA MAJESTÉ LE ROI DES BELGES ET LE GRAND-DUC DE HESSE ET AU RHIN désirant, de c  
Convention pour l'Extradition récipro  
fauteurs, ont muni à cet effet de leurs p

Sa Majesté le Roi des Belges, le  
Landres, Officier de son Ordre, Grand-  
neur, de l'Ordre d'Espagne de Char  
Bavière, du Lion Néerlandais et du Sa  
Sénat, et son Envoyé Extraordinaire e  
près Son Altesse Royale le Grand-Duc  
Confédération Germanique, à la Cour l  
Cour Grand-Ducale de Bade, à la Co  
Cour Ducale de Nassau et près la Ville

Son Altesse Royale le Grand-Duc d  
Thil, son Ministre d'Etat dirigeant et  
gères, Grand-Croix de ses Ordres de I  
nanime, des Ordres de Léopold d'Autric  
de Russie, de l'Aigle Rouge de Prusse  
de Bavière, des Guelphes de Hanovre,  
berg, de la Fidélité et du Lion de Zærin  
de la Hesse Electorale,

Lesquels, en vertu des pouvoirs spé  
férés, sont convenus des Articles suivan

ART. I. Les Gouvernements de Sa  
Son Altesse Royale le Grand-Duc de E  
réciproquement, à l'exception de leu  
réfugiés du Grand-Duché de Hesse en  
le Grand-Duché de Hesse, et mis en a  
les tribunaux compétents pour l'un d

**7°. Banqueroute frauduleuse.**

II. S'il se présentait quelques cas rentrant dans la catégorie des faits prévus par l'article précédent, tellement spéciaux et extraordinaires, que l'extradition de l'individu réclamé parût blesser l'équité et l'humanité, chacun des deux Gouvernements se réserve alors le droit de ne pas consentir à cette extradition. Il sera donné connaissance au Gouvernement qui réclame l'extradition, des motifs du refus.

III. Si l'individu réclamé est poursuivi ou se trouve détenu pour un crime ou délit commis dans le pays où il s'est réfugié, son extradition pourra être différée jusqu'à ce qu'il ait subi sa peine ou qu'il ait été acquitté par une sentence définitive.

IV. L'extradition ne sera accordée que sur la production d'un arrêt de condamnation ou de mise en accusation délivré, en original ou en expédition authentique, soit par un tribunal, soit par une autre autorité compétente, dans les formes prescrites par la législation du Gouvernement qui demande l'extradition.

V. L'étranger réclamé pourra être arrêté provisoirement dans les deux pays pour l'un des faits mentionnés à l'Article I, sur l'exhibition d'un mandat d'arrêt décerné par l'autorité compétente et expédié dans les formes prescrites par les lois du Gouvernement réclamant. Cette arrestation aura lieu dans les formes et suivant les règles prescrites par la législation du Gouvernement auquel elle est demandée.

L'étranger arrêté provisoirement sera mis en liberté, si dans les 3 mois il ne reçoit notification d'un arrêt de mise en accusation, ou d'un jugement de condamnation dans les formes prescrites par la législation du Gouvernement qui demande l'extradition.

VI. Il est expressément stipulé que l'individu dont l'extradition aura été accordée ne pourra, dans aucun cas, être poursuivi ou puni pour aucun délit politique antérieur à l'extradition, ni pour aucun fait connexe à un semblable délit, ni pour aucun des crimes ou délits non prévus par la présente Convention.

VII. L'extradition ne pourra avoir lieu si, depuis les faits imputés, les poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise d'après les lois du pays dans lequel l'étranger se trouve.

VIII. Les objets saisis sur le prévenu, dont il se serait mis en possession par suite du crime, les instruments ou outils dont il se serait servi pour le commettre, ainsi que d'autres pièces de conviction, seront remis au Gouvernement requérant si l'autorité compétente de l'Etat requis en a ordonné la restitution.

IX. Les frais d'arrestation, d'entretien et de transport de l'individu dont l'extradition aura été accordée, resteront à la charge de chacun des deux Etats, dans les limites de leurs territoires respec-



échangées dans le délai de 6 semaines.

En foi de quoi, nous Plénipotentiaires  
Belges et de Son Altesse Royale  
signé et scellé la présente Convention.  
Darmstadt, le 2 Février, 1845.

(L.S.) CT

(L.S.) LE

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**CONVENTION d'Extradition  
Electorale.—Signée, à**

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[Ratifications échangées à Ca]

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SA Majesté le Roi des Belges, d  
le Prince Electoral Co-Régent de  
venus de conclure une Convention  
malfaiteurs, ont muni à cet effet de

SA Majesté le Roi des Belges  
Landres, Officier de son Ordre, Gra  
de l'Ordre d'Espagne de Charles I  
Lion Néerlandais et du Sauveur de  
Envoyé Extraordinaire et Ministre  
Royale le Prince Electoral Co-Rége  
Confédération Germanique, et la C  
Cours Grand Ducales de Bade et  
Nassau, et par la Ville, Le 18 18

Chevalier de première classe de Ste. Anne de Russie, Chevalier de l'Ordre du Danebrog de Danemark ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Les Gouvernements Belges et Hessois s'engagent par la présente Convention à se livrer réciproquement, à l'exception de leurs nationaux, les individus réfugiés de Belgique en Hesse et de Hesse en Belgique, et mis en accusation ou condamnés par les tribunaux compétents pour l'un des crimes ci-après énumérés, savoir :

1°. Assassinat, empoisonnement, parricide, infanticide, meurtre, viol :

2°. Incendie ;

3°. Faux en écriture, y compris la contrefaçon de billets de banque et effets publics ;

4°. Fausse monnaie ;

5°. Faux témoignage ;

6°. Vol, escroquerie, concussion, soustraction par des dépositaires publics ;

7°. Banqueroute frauduleuse.

II. Si l'individu réclamé est poursuivi ou se trouve détenu pour un crime ou délit commis dans le pays où il s'est réfugié, son extradition pourra être différée jusqu'à ce qu'il ait subi sa peine ou qu'il ait été acquitté par une sentence définitive.

III. L'extradition ne sera accordée que sur la production d'un arrêt de condamnation ou de mise en accusation, délivré en original ou en expédition authentique, soit par un tribunal, soit par une autre autorité compétente, dans les formes prescrites par la législation du Gouvernement qui demande l'extradition.

IV. L'étranger réclamé pourra être arrêté provisoirement dans les deux pays, pour l'un des faits mentionnés à l'Article I, sur l'exhibition d'un mandat d'arrêt décerné par l'autorité compétente et expédié dans les formes prescrites par les lois du Gouvernement réclamant.

Cette arrestation aura lieu dans les formes et suivant les règles prescrites par la législation du Gouvernement auquel elle est demandée. L'étranger arrêté provisoirement sera mis en liberté, s'il ne reçoit notification d'un arrêt de mise en accusation ou de condamnation dans le terme prescrit par les lois du Gouvernement auquel son extradition est demandée.

V. Les dispositions de la présente Convention ne pourront pas être appliquées à des individus qui se seront rendus coupables d'un délit politique quelconque.

Dans le cas où l'un des crimes énumérés dans l'Article 1 se trouverait mêlé à un délit politique, l'extradition ne pourra avoir

lieu qu'après que des dispositions particulières et conformes à législation des deux pays, auront été prises par les Gouvernements Contractants.

VI. L'extradition ne pourra avoir lieu si, depuis les faits imputés, les poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise d'après les lois du pays duquel l'étranger se trouve.

VII. Les frais d'entretien, d'arrestation, de transport de l'individu, dont l'extradition aura été accordée, resteront à la charge de chacun des deux Etats, dans les limites de leurs territoires respectifs.

Les frais de transport, &c., par le territoire des Etats intermédiaires, seront à la charge de l'Etat réclamant.

VIII. La présente Convention ne sera exécutoire que 10 jours après sa publication, dans les formes prescrites par les lois des deux pays.

IX. La présente Convention continuera à être en vigueur jusqu'à l'expiration de 6 mois après déclaration contraire de la part de l'un des deux Gouvernements. Elle sera ratifiée, et les ratifications en seront échangées dans le délai de 6 semaines ou plus tôt, si faire se peut.

En foi de quoi, nous Plénipotentiaires de Sa Majesté le Roi des Belges et de Son Altesse Royale le Prince Electoral et Co-Régent de Hesse, avons signé et scellé la présente Convention.

Fait à Francfort, le 12 Mai, 1845.

Fait à Cassel, le 30 Avril, 1845.

(L.S.) COMTE DE BRIEY

(L.S.) DE STEUBER.

*CONVENTION d'Extradition entre la Belgique et le Duc de Saxe-Altenbourg.*—Signée à <sup>Berlin, le 18</sup> <sub>Altenbourg, le 23</sub> Octobre, 1846.

[Ratifications échangées à Berlin, le 23 Avril, 1847.]

Au nom de la Très-Sainte et indivisible Trinité,

Sa Majesté le Roi des Belges et Son Altesse Royale le Duc de Saxe-Altenbourg, voulant, pour diminuer dans leurs Etats les chances d'impunité, conclure une Convention d'Extradition Relative aux Accusés et de Malfaiteurs, ont nommé à cet effet pour leurs Plénipotentiaires,

Sa Majesté le Roi des Belges, le Sieur Jean-Baptiste Nothomb, Commandeur de son Ordre, décoré de la Croix de Fer, Chevalier

première classe de l'Ordre de l'Aigle Rouge, Grand-Croix de l'Ordre Royal de la Légion d'Honneur, Grand-Croix de l'Ordre du Lion Néerlandais, Grand-Croix de l'Ordre du Lion de Zaehringen, Grand-Croix de l'Ordre de Charles III, Grand-Croix de l'Ordre de Saint-Michel de Bavière, Grand-Croix de l'Ordre de Philippe le Magnanime, Grand-Croix de l'Ordre du Christ de Portugal, Officier de l'Ordre de la Tour et l'Epée, Officier de l'Ordre de la Croix du Sud, Ministre d'Etat, Membre de la Chambre des Représentants, et son Envoyé Extraordinaire et Ministre Plénipotentiaire près Son Altesse Royale le Duc de Saxe-Altenbourg; et

Son Altesse Royale le Duc de Saxe-Altenbourg, le Sieur Charles-Jean-Henri-Ernest de Braun, Grand-Croix de son Ordre Ducal de la branche Ernestine de Saxe, et de l'Ordre de Vigilance de la Maison Grand-Ducal de Saxe-Weimar, Chevalier de seconde classe de l'Ordre de l'Aigle Rouge de Prusse avec la plaque, Commandeur de l'Ordre du Mérite en Bavière, en Saxe et en Wurtemberg, et Commandeur de première classe de l'Ordre de la Maison Guelphe en Hanovre, son Ministre et son Counciller intime actuel:

Lesquels, après avoir échangé leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des Articles suivants:

ART. I. Les Gouvernements de Sa Majesté le Roi des Belges et de Son Altesse Royale le Duc de Saxe-Altenbourg s'engagent à se livrer réciproquement, à l'exception de leurs nationaux par naissance ou réputés tels par la naturalisation acquise à l'époque où l'extradition a été demandée, les individus réfugiés de Belgique dans le Duché de Saxe-Altenbourg et de ce Duché en Belgique, et mis en accusation ou condamnés par les tribunaux compétents pour l'un des crimes ou délits ci-après énumérés, savoir:

1°. Assassinat, empoisonnement, parricide, infanticide, meurtre, viol;

2°. Incendie;

3°. Faux en écriture, y compris la contrefaçon des billets de banque et effets publics;

4°. Fausse monnaie;

5°. Faux témoignage;

6°. Vol, escroquerie, concussion, soustraction commise par des dépositaires publics;

7°. Banqueroute frauduleuse.

II. L'extradition ne sera accordée que sur la production du jugement ou de l'arrêt de condamnation ou de l'arrêt de mise en accusation en original ou en expédition authentique, délivrés soit par un tribunal, soit par une autre autorité compétente, dans les formes prescrites par la législation du Gouvernement qui demande l'extradition.

III. L'étranger réclamé pourra être arrêté provisoirement dans



En foi de quoi, nous, Plénipotentiaires respectifs, l'avons signée et scellée du cachet de nos armes.

Fait à <sup>Berlin, le 18</sup><sub>Altenbourg, le 23</sub> Octobre, 1846.

(L.S.) NOTHOMB.

(L.S.) ERNEST DE BRAUN.

*CONVENTION d'Extradition entre la Belgique et le Duché de Saxe-Meiningen.—Signée à <sup>Meiningen, le 4</sup><sub>Berlin, le 23</sub> Novembre, 1846.*

[Ratifications échangées à Berlin, le 24 Avril, 1847.]

SA Majesté le Roi des Belges et Son Altesse Royale le Duc de Saxe-Meiningen, voulant, pour diminuer dans leurs Etats les chances d'impunité, conclure une Convention d'Extradition Réciproque d'Accusés et de Malfaiteurs, ont nommé à cet effet pour leurs Plénipotentiaires :

Sa Majesté le Roi des Belges, le Sieur Jean-Baptiste Nothomb, Commandeur de son Ordre, décoré de la Croix de Fer, Chevalier de première classe de l'Ordre de l'Aigle Rouge, Grand-Croix de l'Ordre Royal de la Légion d'Honneur, Grand-Croix de l'Ordre du Lion Néerlandais, Grand-Croix de l'Ordre du Lion de Zaehringen, Grand-Croix de l'Ordre de Charles III, Grand-Croix de l'Ordre de Saint-Michel de Bavière, Grand-Croix de l'Ordre de Philippe le Magnanime, Grand-Croix de l'Ordre du Christ de Portugal, Officier de l'Ordre de la Tour et de l'Epée, Officier de l'Ordre de la Croix du Sud, Ministre d'Etat, Membre de la Chambre des Représentants, et son Envoyé Extraordinaire et Ministre Plénipotentiaire près Son Altesse Royale le Duc de Saxe-Meiningen ;

Et Son Altesse Royale le Duc de Saxe-Meiningen, le Sieur Frédéric de Krafft, son Ministre d'Etat, Grand-Croix de l'Ordre Ducal de la Maison Ernestine de Saxe et de l'Ordre Grand-Ducal du Faucon Blanc de Saxe-Weimar, Commandeur de première classe de l'Ordre du Lion d'Or de la Hesse Electorale ;

Lesquels, après avoir échangé leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Les Gouvernements de Sa Majesté le Roi des Belges et de Son Altesse Royale le Duc de Saxe-Meiningen s'engagent à se livrer réciproquement, à l'exception de leurs nationaux, les individus réfugiés du Duché de Saxe-Meiningen en Belgique et de Belgique dans le Duché de Saxe-Meiningen, et mis en accusation ou condamnés par les tribunaux compétents pour l'un des crimes ou délits ci-après énumérés, savoir :

1°. Assassinat, empoisonnement, parricide, infanticide, meurtre, viol ;





l'individu, dont l'extradition est demandée, resteront à la charge de chacun des deux Etats, dans les limites de leurs territoires respectifs.

Les frais de transport et généralement tous les frais du trajet par le territoire des Etats intermédiaires seront à la charge du Gouvernement qui réclame l'extradition.

IX. La présente Convention ne sera exécutoire que 10 jours après sa publication, dans les formes prescrites par les lois de chaque pays.

X. Cette Convention continuera à être en vigueur jusqu'à l'expiration de 6 mois après déclaration contraire de la part de l'un des deux Gouvernements.

Elle sera ratifiée et les ratifications en seront échangées dans le plus bref délai possible et, dans tous les cas, dans les 6 mois.

En foi de quoi, nous, Plénipotentiaires respectifs, l'avons signée et scellée du cachet de nos armes.

Fait à Meinigen, le 4 November,  
Berlin, le 23 November, 1846.

(L.S.) NOTHOMB.

(L.S.) V. KRAFFT.

*TRAITE d'Amitié et de Commerce entre la Prusse et la Porte Ottomane.—Conclu à Constantinople, le 22 Mars, 1761.\**

[Referred to in Treaty of March 20, 1862, as being then in force.  
See Page 734.]

Les liens d'une amitié sincère entre les Souverains contribuent non seulement au maintien et à l'affermissement de leur Empire, mais ils sont encore d'une grande utilité pour leurs Etats et sujets respectifs.

Une telle Union désirée emporte avec elle bien des avantages non seulement pour ceux qui sont voisins, mais elle est à bien des égards plus nécessaire encore à des Princes éloignés et séparés les uns des autres. Pourquoi Sa Majesté le Sérénissime et Très-Puissant Roi de Prusse, mon très-gracieux Maître et Souverain, ayant de tout temps attaché le plus haut prix à l'amitié de la Sublime Porte, et se trouvant pénétré du désir de lier, en vertu des considérations susmentionnées, ses intérêts à ceux de la Sublime Porte Ottomane, et afin de traiter et d'établir avec la dite Sublime Porte une amitié et correspondance constante et perpétuelle, après m'avoir muni de ses lettres de créance contenant le plein-pouvoir et toutes les autres instructions et ordres nécessaires pour cet objet et des lettres de sa part pour le Sérénissime et Très-Puissant Empereur des Ottomans et pour son Altesse le Grand-Vizir de la Porte Ottomane, m'a Envoyé à la résidence du Haut Empire Ottoman à Constantinople,

\* Old style.

écrit en Italien le présent document avec le document obligatoire écrit être remis entre mes mains de la part des Articles conclus sont de la teneur suivante.

ART. I. Il y aura une paix constante et sincère entre le Sérénissime et Très-Sublime et Très-Puissant Empire Ottoman et ses sujets et habitants des deux côtés de la mer que par terre, et les sujets Prussiens par pavillon et les passeports de Sa Majesté de leurs vaisseaux entrant dans les ports des provinces Ottomanes avec leurs familles ne seront pas molestés lors de leur arrivée ou retour ; et si par quelque accident leur bâtiment est endommagé, il leur sera permis de réparer aussi acheter des vivres, bois, et tout ce qu'ils auront besoin pour leur entretien, et ne seront empêchés de personne ; quant aux autres sortes de biens et marchandises, les marchands Prussiens en général, les navires enverraient les autres puissances amies, et lorsqu'ils aborderont les forteresses des Dardanelles, ils seront reçus de la même manière que les autres puissances amies, et après avoir payé l'usage sous le nom de *Salvo arris* et non par d'autres péages nouvellement établis. Les Prussiens qui faisaient naufrage dans les ports Ottoman, les gouverneurs, juges, et

ne payeront que 8 pour cent de droit de Douane en monnaie courante pour les biens et marchandises qu'ils importeront et exporteront, comme les payent les sujets des autres Puissances amies, et les officiers de la Douane ne fixeront pas le prix des choses au delà de leur valeur; si cependant on ne pouvait s'accorder sur le prix, ils donneront de ces marchandises mêmes en nature à raison de 8 pour cent. Le Ministre de Prusse ne sera soumis à aucun droit de Douane ou péage pour les biens, hardes et autres choses destinées pour sa propre personne ou pour en faire des présents. Et s'ils ne jugeaient pas à propos de faire décharger leurs biens des navires Prussiens, ils n'y seront point forcés, et s'ils voulaient les transporter sur leurs navires à quelque autre endroit on ne les en empêchera pas et ne leur demandera aucune redevance; mais s'ils déchargeaient une partie et qu'ils porteraient le reste à quelque autre endroit on ne leur demandera les droits de Douane que pour les choses qui sont déchargées; et si les biens, pour lesquels la Douane aura été payé une fois, étaient transportés ensuite dans quelque autre port et échelle de l'Empire Ottoman, l'acquit authentique du paiement fait à la Douane sera regardé comme suffisant, et on ne leur en demandera pas une seconde fois le paiement; et quant à tous les autres points qui concernent les Douanes, le traitement qui s'observe vis-à-vis des autres Puissances amies aura lieu aussi envers les Prussiens; et on ne demandera des Prussiens et de ceux qui leurs sont assujettis aucun paiement sous le nom de droit *Cassabié*.

III. Lorsque des vaisseaux de guerre des deux Puissances se rencontreront, la cérémonie du salut se fera de la manière usitée vis-à-vis des vaisseaux de guerre d'autres Puissances. Toutefois lorsque des vaisseaux marchands Prussiens rencontreront des vaisseaux de guerre et de marchands de l'Empire Ottoman, ils les salueront amicalement suivant l'usage, et on ne les empêchera point dans leur voyage et ne demandera et ne prendra rien d'eux avec violence, et les vaisseaux Prussiens ne seront point forcés de transporter des troupes, canons, munitions de guerre, et autres choses semblables. Lorsque des marchands de la Sublime Porte loueront des navires Prussiens pour transporter leurs biens et marchandises, on observera, touchant le fret, le même traitement qui a lieu vis-à-vis des autres Puissances; et les marchands Prussiens, qui porteront ou remporteront des biens sur leurs navires, payeront dûment aux Ambassadeurs et Consuls Prussiens le droit appelé *Consolato* pour ceux qui suivant l'ancien usage sont sujets au paiement de la Douane.

IV. Le Ministre Prussien résidant auprès de la Sublime Porte jouira de l'indépendance et des privilèges dont les Ambassadeurs des autres Puissances amies ont coutume de jouir, et dans toute la juridiction de la Sublime Porte, dans chaque échelle, port et île où il se trouve des Consuls, Vice-Consuls, et Dragomans, de la part

V. S'il arrivait quelque dispute entre sujets, le Ministre ou les Consuls Prussiens d'après leurs lois, et tant que les Prussiens mêmes à être jugés par la justice Consulaire. Les Consuls Prussiens de la Sublime Porte ne pourront les juger. Les Consuls Prussiens Ottoman ne seront pas mis aux arrêts, ils auront se décideront dans la résidence de leurs Ministres. Leurs maisons seront respectées et de visite, et s'il s'élevait quelque dispute entre ceux de la Sublime Porte et ceux de la Prusse, les tribunaux Ottomans par le secours des Consuls, Vice-Consuls, et aussi par celui des Mahométans ou autre sujet de la Sublime Porte, les sujets Prussiens à comparaître devant l'un d'eux, aucun de leurs Dragomans ou Procureurs ne seront point obligés de répondre, et si les Dragomans surpassent la valeur de 4,000 francs dans la résidence de l'Empire Ottoman.

S'il arrivait quelque dispute entre sujets de la Sublime Porte et les Prussiens, les causes qui concernent la vente, l'achat et qu'il ne se trouve point d'instruments valides, on n'écouterait point les témoins, et quelque dispute au moment du départ, si elle n'est point décidée sans délai par le

fût fait esclave il ne se fût trouvé que par imprudence ou de quelque semblable manière parmi les troupes ennemies il sera mis en liberté après avoir été réclamé et reconnu pour être Prussien. De même aucun Mahométan et autre sujet de la Sublime Porte ne sera fait esclave par la Cour Prussienne, et si de la même manière il se trouvait quelqu'un qui eût été fait esclave il sera mis en liberté sans délai et retardement. Lorsque quelque Prussien ou quelqu'un de ceux qui leur sont assujettis viendra à mourir dans les Etats de la Sublime Porte, leurs biens, qui resteront après leur mort, seront mis entre les mains des Ministres ou Consuls Prussiens pour être restitués à leurs héritiers, et s'il ne se trouvait aucun Ministre ou Consul ils seront délivrés à leurs compatriotes et ils ne seront pas molestés par les juges et officiers de la Sublime Porte Ottomane. Si cependant il ne se trouvait aucun sujet Prussien à l'endroit où le défunt est venu à mourir, on fera un inventaire de ses biens qui sera scellé du sceau du juge de ce lieu, et les biens seront remis et consignés sans difficulté à celui que le Ministre de Prusse enverra pour les prendre, et on ne demandera pas le droit appelé *Resmivismet*. On emploiera tous les soins et diligence possibles, tant pour mettre en bon ordre toutes les choses, qui concernent le commerce, que pour empêcher tout ce qui pourrait lui être nuisible. Quant à l'exercice de la religion et autres matières, on accordera aux Prussiens le même traitement qui s'observe envers les autres Puissances amies.

VII. Après que les Articles susdits, contenant l'amitié et le commerce, auront été signés des deux Parties, il ne sera permis en aucune manière de les violer: ils seront au contraire observés dûment et religieusement, et le traitement qui en vertu de ces Articles aura lieu envers les marchands et sujets de Sa Majesté susmentionnés, aura lieu réciproquement de la même manière envers les négociants et sujets soumis à la Sublime Porte.

VIII. Il sera permis à l'avenir de proposer en cas de besoin quelques Articles utiles et avantageux aux deux Parties comme fruit de la présente amitié et qui ne soient point préjudiciables aux deux Parties; lesquels après avoir été mis en ordre et réglés pourront être joints aux présents Articles.

*Conclusion.*—Les Articles conclus entre les deux Puissances seront ratifiés dans l'espace de 4 mois, ou plutôt, si faire se peut. En conséquence de quoi, les précédents 8 Articles avec cet épilogue étant conclus, stipulés et arrêtés, afin qu'à l'aide de Dieu ils soient conduits à une heureuse fin par l'échange des ratifications dans l'espace du temps susmentionné, j'ai, en vertu du plein pouvoir qui m'a été confié, écrit le présent document obligatoire en langue Italienne, l'ai cacheté de mes armes, l'ai signé de ma propre main et l'ai remis par manière d'échange à son Altesse le Grand-

[Ratifications échangées à Ber

Au nom de la très-sainte et  
Sa Majesté le Roi des Belges et  
Duc de Saxe, voulant, pour diminuer  
d'impunité, conclure une Conventi  
d'Accusés et de Malfaiteurs, out noms  
potentiaires.

Sa Majesté le Roi des Belges, le S  
Commandeur de son Ordre, décoré  
de première classe de l'Ordre de l'A  
l'Ordre Royal de la Légion d'Honneu  
Lion Néerlandais, Grand-Croix de l'C  
Grand-Croix de l'Ordre de Charles I  
Saint Michel de Bavière, Grand-Cro  
Magnanime, Grand-Croix de l'Ordre  
de l'Ordre de la Tour et de l'Epée, O  
du Sud, Ministre d'Etat, Membre de l  
et son Envoyé Extraordinaire et Minis  
Altesse Royale le Grand-Duc de Saxe

Et Son Altesse Royale le Grand-D  
Bernhard de Watzdorf, son Conseill  
d'Etat et des Affaires Etrangères, G  
Faucon-Blanc, Grand-Croix des Mai  
Ernestine Grand-Croix de l'Ordre d

Belgique dans le Grand-Duché de Saxe et du Grand-Duché de Saxe en Belgique, et mis en accusation ou condamnés par les tribunaux compétents comme auteurs ou complices de l'un des crimes ou délits ci-après énumérés, savoir :

1°. Assassinat, empoisonnement, parricide, infanticide, meurtre, viol;

2°. Incendie;

3°. Faux en écriture, y compris la contrefaçon des billets de Banque et effets publics;

4°. Fausse monnaie;

5°. Faux témoignage;

6°. Vol, escroquerie, concussion, soustraction commise par des dépositaires publics;

7°. Banqueroute frauduleuse.

II. L'extradition ne sera accordée que sur la production du jugement ou de l'arrêt de condamnation ou de l'arrêt de mise en accusation en original ou en expédition authentique, délivrés soit par un tribunal, soit par une autre autorité compétente, dans les formes prescrites par la législation du Gouvernement qui demande l'extradition.

III. L'étranger réclamé pourra être arrêté provisoirement dans les deux pays, pour l'un des faits mentionnés à l'Article I, sur l'exhibition d'un mandat d'arrêt décerné par l'autorité compétente et expédié dans les formes prescrites par les lois du Gouvernement réclamant.

Cette arrestation aura lieu dans les formes et suivant les règles prescrites par la législation du Gouvernement auquel elle est demandée.

Les objets saisis sur le prévenu, dont il se serait mis en possession par suite du crime, les instruments ou outils dont il se serait servi pour le commettre, ainsi que toutes autres pièces de conviction, seront remis au Gouvernement requérant, si l'autorité compétente de l'Etat requis en a ordonné la restitution.

IV. L'étranger arrêté provisoirement sera mis en liberté, si dans les 3 mois, il ne reçoit notification d'un arrêt de mise en accusation, ou d'un jugement de condamnation dans les formes prescrites par la législation du Gouvernement qui demande l'extradition.

V. Si l'individu réclamé est poursuivi ou se trouve détenu pour un crime ou délit commis dans le pays où il est réfugié, son extradition pourra être différée, jusqu'à ce qu'il ait subi sa peine, ou qu'il ait été acquitté par une sentence définitive.

VI. Il est expressément stipulé que l'individu dont l'extradition aura été accordée, ne pourra, dans aucun cas, être poursuivi ou puni pour aucun délit politique antérieur à l'extradition, ni pour



de chacun des deux États, dans les limites respectives.

Les frais de transport et généraux par le territoire des États intermédiaires du Gouvernement qui réclame l'extradition.

IX. La présente Convention ne sera en vigueur qu'après sa publication dans les formes prescrites par les deux pays.

X. Cette Convention continuera à être en vigueur pendant une période de six mois, après déclaration des deux Gouvernements.

Elle sera ratifiée et les ratifications déposées au plus bref délai possible et, dans tous les cas, avant le 1<sup>er</sup> mai 1846.

En foi de quoi, nous, Plénipotentiaires des deux Gouvernements, avons signé et scellé du cachet de nos armes.

Fait à Weimar, le 8 Novembre, 1845.  
Fait à Copenhague, le 10 Novembre, 1846.

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**CONVENTION d'Extradition entre le Danemark et la Prusse.**—Signée à Copenhague,

Rouge, son Ministre Résident près de Sa Majesté le Roi de Danemark, près Sa Majesté le Roi de Suède et de Norwége, près leur Altesse Royale les Grands Ducs de Mecklembourg-Schwerin, de Mecklembourg-Strelitz et d'Oldenbourg, ainsi que près les Villes Libres et Hanséatiques de Brême, de Hambourg et de Lubeck, &c., et

Sa Majesté le Roi de Danemark, le Sieur Holger-Christian de Reedtz, Grand-Croix de l'Ordre de Danebrog, avec la Croix d'Honneur, Commandeur des Ordres de Léopold de Belgique, de la Légion d'Honneur de France et de l'Etoile Polaire de Suède, son Chambellan et Ministre des Affaires Etrangères ;

Lesquels, après s'être communiqué leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Les Gouvernements Belge et Danois s'engagent à se livrer réciproquement les individus réfugiés de Danemark en Belgique ou de Belgique en Danemark et mis en accusation ou condamnés pour l'un des crimes ou délits ci-après énumérés, par les tribunaux de celui des deux pays où les faits auront été commis, à moins que ces individus ne soient sujets de l'Etat ou Gouvernement auquel leur extradition est demandée.

Ces crimes et délits sont :

- 1°. Assassinat, empoisonnement, parricide, infanticide, meurtre, viol ;
- 2°. Incendie ;
- 3°. Faux en écriture, y compris la contrefaçon de billets de banque et effets publics ;
- 4°. Fausse monnaie ;
- 5°. Faux témoignage ;
- 6°. Vol, escroquerie, concussion, soustraction commise par des dépositaires publics ;
- 7°. Banqueroute frauduleuse.

Les communications nécessaires pour s'entendre sur l'extradition d'un tel individu se feront par la voie diplomatique, à l'exclusion de toute correspondance directe entre les autorités judiciaires des deux pays.

II. S'il se présentait quelques cas rentrant dans la catégorie des faits prévus dans l'Article précédent, tellement spéciaux et extraordinaires que l'extradition de l'individu réclamé parût blesser l'équité et l'humanité, chacun des deux Gouvernements se réserverait le droit de ne pas consentir à cette extradition.

Il sera donné connaissance au Gouvernement qui réclame l'extradition des motifs du refus.

III. Si l'individu réclamé est poursuivi ou se trouve détenu pour un crime ou délit commis dans le pays où il s'est réfugié, son

V. L'étranger réclamé pourra être arrêté par les deux pays pour l'un des faits énumérés ci-dessus, sur l'exhibition d'un mandat d'arrêt décerné par le Gouvernement et expédié dans les formes prescrites par la législation du pays réclamant.

Cette arrestation aura lieu dans les formes prescrites par la législation du Gouvernement demandeur.

L'étranger arrêté provisoirement sans être accusé, dans un terme de 8 mois, il ne reçoit aucune notification d'accusation ou de condamnation.

VI. Il est expressément stipulé que l'immunité ne pourra être accordée à l'étranger arrêté, dans aucun cas, pour aucun délit politique antérieur à son arrestation, ni pour un fait connexe à un semblable délit, ni pour un délit non prévu par la présente Convention.

VII. L'extradition ne pourra avoir lieu que si l'accusé, les poursuites ou la condamnation ont été acquiescées, ou de la peine est acquise d'après la législation du pays où l'étranger se trouve.

VIII. Les frais d'arrestation, d'entretien, de nourriture, d'indemnité de l'individu dont l'extradition aura été demandée, seront à la charge de l'Etat demandeur, et de chacun des deux Etats dans les cas respectifs.

Les frais de transport, &c., par le chemin de fer ou par les diligences seront à la charge de l'Etat demandeur. Si le transport par mer serait jugé préférable, le Gouvernement demandeur indiquera au port que désignera l'Agent

Elle sera ratifiée et les ratifications en seront échangées dans le délai de 6 semaines, ou plus tôt, si faire se peut.

En foi de quoi, les deux Plénipotentiaires l'ont signée et y ont apposé le sceau de leurs armes.

Fait à Copenhague, ce 10 Décembre, 1851.

(L.S.) BEAULIEU.

(L.S.) REEDTZ.

*CONVENTION d'Extradition entre la Belgique et la Ville Libre et Hanséatique de Hambourg.—Signée à Hambourg, le 27 Janvier, 1851.*

[Ratifications échangées à Hambourg, le 28 Février, 1851.]

SA Majesté le Roi des Belges et le Sénat de la Ville Libre et Hanséatique de Hambourg, ayant jugé utile de conclure une Convention pour l'Extradition réciproque des Malfaiteurs, ont, à cet effet, muni de leurs pleins pouvoirs, savoir :

Sa Majesté le Roi des Belges :

Le Sieur Napoléon Alcindor Beaulieu, Chevalier de son Ordre, Commandeur de l'Ordre de la Branche Ernestine de la Maison de Saxe, Commandeur de l'Ordre de Saint Benoît d'Aviz, Chevalier de troisième classe de l'Ordre de l'Aigle Rouge, son Ministre résident près le Haut Sénat de la Ville Libre et Hanséatique de Hambourg, près ceux de Lubeck et de Brême, &c.

Le Sénat de la Ville Libre et Hanséatique de Hambourg :

Le Sieur Charles Hermann Merck, Docteur en Droit, Syndic, &c.

Lesquels, après s'être communiqué leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. 1. Les Hautes Parties Contractantes s'engagent par la présente Convention à se livrer réciproquement, à l'exception de leurs nationaux, les individus réfugiés de Belgique sur le territoire de Hambourg et de ce territoire en Belgique et mis en accusation ou condamnés pour l'un des crimes ou délits ci-après énumérés et qui auraient été commis sur le territoire :

1°. Assassinat, empoisonnement, parricide, infanticide, meurtre, viol ;

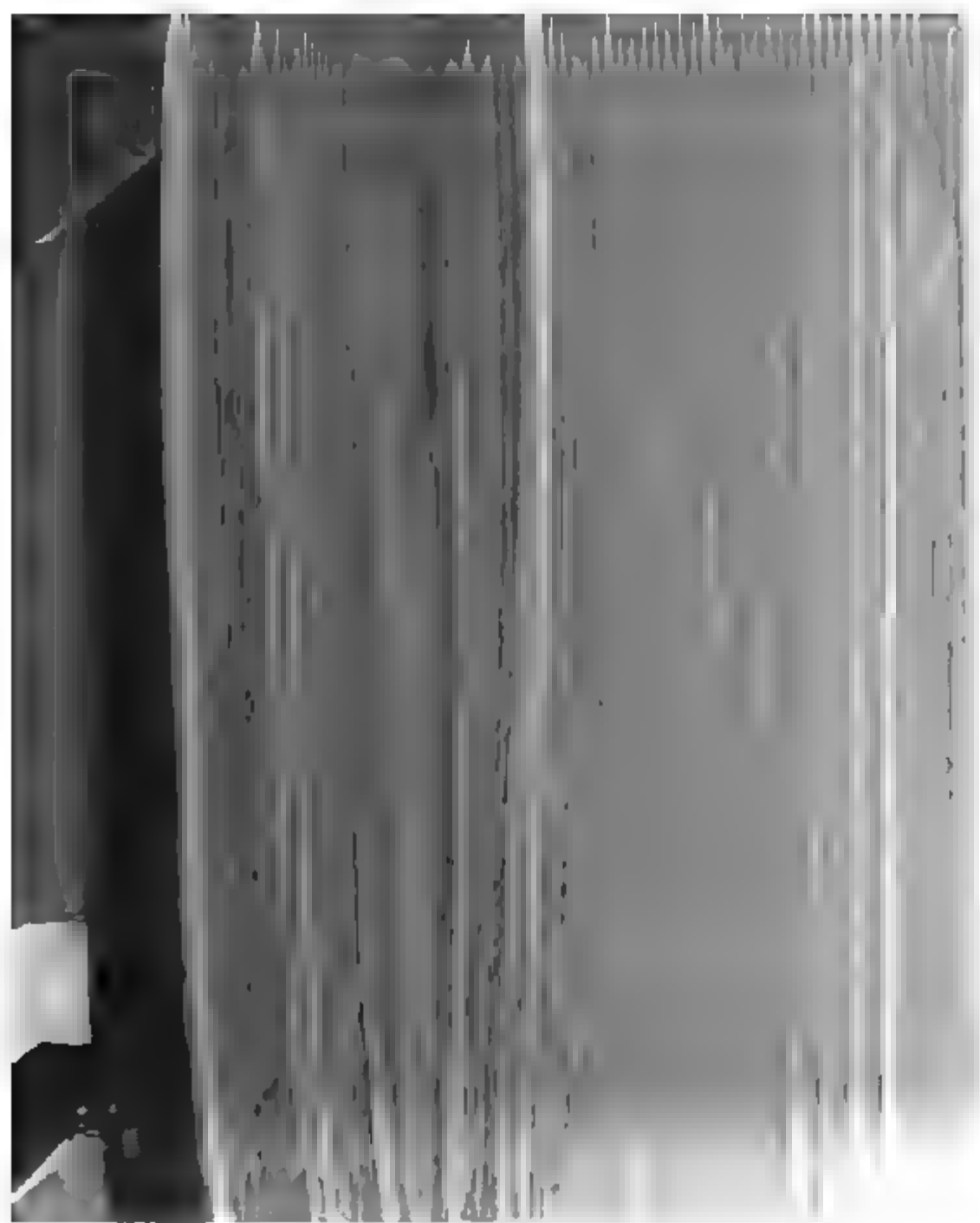
2°. Incendie ;

3°. Faux en écriture, y compris la contrefaçon des billets de banque et effets publics ;

4°. Fabrication et émission de fausse monnaie ;

5°. Faux témoignage ;

6°. Vol, escroquerie, concussion, soustraction commise par les dépositaires publics ;



commis, mais au tiers Etat duquel il est sujet, conformément à l'Article II qui précède les frais d'arrestation, de détention et de translation, seront exclusivement à la charge de ce dernier Etat.

VIII. Il est expressément stipulé que l'étranger dont l'extradition aura été accordée, ne pourra dans aucun cas être poursuivi ou puni pour aucun délit politique antérieur à l'extradition ou pour aucun fait connexe à un semblable délit, ni pour aucun des crimes ou délits non prévus par la présente Convention.

IX. La présente Convention ne sera exécutoire que 10 jours après sa publication dans les formes prescrites par les lois des deux pays.

X. La présente Convention continuera à être en vigueur jusqu'à l'expiration de 6 mois après la déclaration contraire de la part de l'un des deux Gouvernements, et les ratifications en seront échangées dans le délai de 6 semaines ou plus tôt si faire se peut.

En fois de quoi les Plénipotentiaires ont signé la présente Convention en double et y ont apposé le sceau de leurs armes.

Fait à Hambourg, le 27 Janvier, 1851.

(L.S.) BEAULIEU.

(L.S.) C. MERCK.

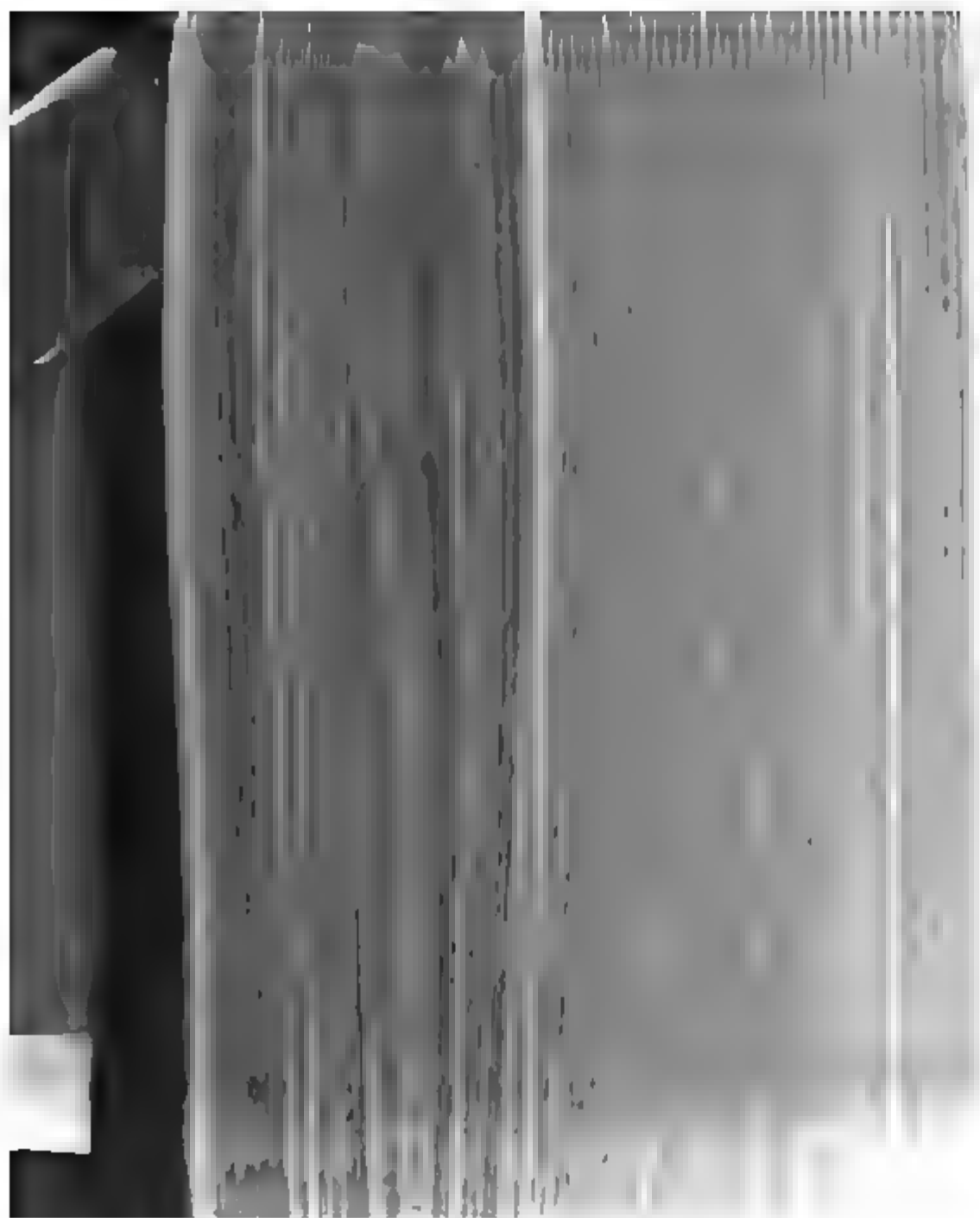
**CONVENTION d'Extradition conclue entre la Belgique et le Royaume de Saxe.—Signée à Dresde, le 23 Février, 1851.**

[Ratifications échangées à Berlin, le 4 Avril, 1851.]

SA Majesté le Roi des Belges et Sa Majesté le Roi de Saxe voulant, pour diminuer dans leurs Etats les chances d'impunité, conclure une Convention d'Extradition réciproque d'Accusés et de Mal-fauteurs, ont nommé à cet effet pour leurs Plénipotentiaires :

Sa Majesté le Roi des Belges, le Sieur Jean-Baptiste Nothomb, Commandeur de son Ordre, décoré de la Croix de Fer, Grand-Croix des Ordres de la Branche Ernestine de Saxe, de l'Aigle Rouge de Prusse, de la Légion d'Honneur de France, de Charles III d'Espagne, de Saint Michel de Bavière, du Lion des Pays-Bas, du Lion de Zæhringen de Bade, du Mérite de Hesse-Electorale, du Christ du Portugal et de l'Ordre de la Maison d'Anhalt, Officier des Ordres de la Tour et l'Epée du Portugal et de la Croix du Sud du Brésil, Ministre d'Etat, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Saxe ;

Et Sa Majesté le Roi de Saxe, le Sieur Frédéric Ferdinand Baron de Beust, son Ministre d'Etat et des Affaires Etrangères, Grand-Croix de son Ordre de Mérite, Grand-Croix de l'Ordre de





dition pourra être différée jusqu'à ce qu'il ait subi sa peine ou qu'il ait été acquitté par une sentence définitive.

Dans le cas où il serait poursuivi ou détenu dans le même pays à raison d'obligations par lui contractées envers des particuliers, son extradition aura lieu néanmoins sauf à la partie lésée à poursuivre ses droits devant l'autorité compétente.

VI. Il est expressément stipulé que l'individu dont l'extradition aura été accordée, ne pourra, dans aucun cas, être poursuivi ou puni pour aucun délit politique antérieur à l'extradition, ni pour aucun fait connexe à un semblable délit, ni pour aucun des crimes ou délits non prévus par la présente Convention.

VII. Si le prévenu ou le condamné n'est pas sujet de celui des deux Etats Contractants qui le réclame, il ne pourra être livré qu'après que son Gouvernement aura été consulté et mis en demeure de faire connaître les motifs qu'il pourrait avoir de s'opposer à l'extradition.

Dans tous les cas, le Gouvernement saisi de la demande d'extradition restera libre de donner à cette demande la suite qui lui paraîtra convenable et de livrer le prévenu, pour être jugé, soit à son pays natal, soit au pays où le crime aura été commis.

VIII. L'extradition ne pourra avoir lieu si, depuis les faits imputés, les poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise d'après les lois du pays dans lequel l'étranger se trouve.

IX. Les frais d'arrestation, d'entretien et de transport de l'individu, dont l'extradition aura été accordée, resteront à la charge de chacun des deux Etats, dans les limites de leurs territoires respectifs.

Les frais de transport et généralement tous les frais de trajet par le territoire des Etats intermédiaires seront à la charge du Gouvernement qui réclame l'extradition.

X. La présente Convention ne sera exécutoire que 10 jours après sa publication dans les formes prescrites par les lois de chaque pays.

XI. Cette Convention continuera à être en vigueur jusqu'à l'expiration de 6 mois, après déclaration contraire de la part de l'un des deux Gouvernements.

Elle sera ratifiée et les ratifications en seront échangées dans le plus bref délai possible.

En foi de quoi, nous Plénipotentiaires respectifs, l'avons signée et scellée du cachet de nos armes.

Fait à Dresde, ce 23 du mois de Février de l'an de Grâce 1851.

(L.S.) NOTHOMB.

(L.S.) BEUST.



Sa Majesté le Roi des Belges,  
Beaulieu, Chevalier de son Ordre, C  
Branche Ernestine de la Maison de S  
de Saint Benoît d'Aviz de Portugal,  
de l'Ordre de l'Aigle Rouge de Prusse  
Son Altesse Royale le Grand-Duc de l

Et Son Altesse Royale le Gr  
Schwerin, le Sieur Jean Adolphe Cha  
lier de deuxième classe de l'Ordre de  
Ministre d'Etat et des Affaires Etrang

Lesquels, après s'être communiqué  
en bonne et due forme, sont convenus

ART. I. Les Gouvernements Belg  
gagent à se livrer réciproquement le  
gique en Mecklenbourg ou de Meckl  
en accusation ou condamnés pour l'un  
énumérés, par les tribunaux de celu  
auront été commis, à moins que ces i  
l'Etat au Gouvernement duquel leur e

Ces crimes et délits sont :

1. Assassinat, empoisonnement, p  
viol ;

2. Incendie ;

3. Faux en écriture, y compris  
banque et effets publics ;

4. Fausse monnaie ;

5. Faux témoignage ;

6. Vol, escroquerie, concussion, so

1871

l'équité et l'humanité, chacun des deux Gouvernements se réserve alors le droit de ne pas consentir à cette extradition.

Il sera donné connaissance au Gouvernement qui réclame l'extradition, des motifs du refus.

III. Si l'individu réclamé est poursuivi ou se trouve détenu pour un crime ou délit commis dans le pays où il s'est réfugié, son extradition pourra être différée jusqu'à ce qu'il ait été acquitté par une sentence définitive ou qu'il ait subi sa peine.

IV. L'extradition ne sera accordée que sur la production d'un arrêt de condamnation ou de mise en accusation, délivré, en original ou en expédition authentique,—soit par un tribunal, soit par toute autre autorité compétente du pays qui demande l'extradition, dans les formes prescrites par la législation du Gouvernement réclamant.

V. L'étranger réclamé pourra être arrêté provisoirement dans les deux pays pour l'un des faits mentionnés à l'Article I, sur la production d'un mandat d'arrêt décerné par l'autorité compétente et expédié dans les formes prescrites par les lois du Gouvernement réclamant.

Cette arrestation aura lieu dans les formes et suivant les règles prescrites par la législation du Gouvernement auquel elle est demandée.

L'étranger arrêté provisoirement sera mis en liberté si, dans un terme de 3 mois, il ne reçoit notification d'un arrêt de mise en accusation ou de condamnation.

VI. Il est expressément stipulé que l'individu dont l'extradition aura été accordée ne pourra, dans aucun cas, être poursuivi ou détenu pour aucun délit politique antérieur à l'extradition ni pour aucun fait connexe à un semblable délit ni pour aucun des crimes ou délits non prévus par la présente Convention.

VII. L'extradition ne pourra avoir lieu, si, depuis l'arrestation, les poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise d'après les lois du pays dans lequel l'étranger se trouve.

VIII. Les frais d'arrestation, d'entretien et de transport de l'individu dont l'extradition aura été accordée resteront à la charge de chacun des deux Etats dans les limites de leurs territoires respectifs.

Les frais de transport, &c., par le territoire des Etats intermédiaires, seront à la charge de l'Etat réclamant.

Au cas où le transport par mer serait jugé préférable, l'individu à extraditer sera conduit au port que désignera l'Agent Diplomatique ou Consulaire accrédité par le Gouvernement réclamant, auquel il sera embarqué.

IX. La présente Convention ne sera exécutoire que 16

Fait à Schwerin, ce 12 Juillet, 1

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**CONVENTION d'Extradition  
Libre et Hanséatique de Brême  
1851.**

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SA Majesté le Roi des Belges et  
Hanséatique de Brême, ayant jugé à  
pour l'Extradition réciproque des M  
de leurs pleins pouvoirs, savoir :

Sa Majesté le Roi des Belge  
Beaulieu, Chevalier de son Ordre,  
Branche Ernestine de la Maison de  
de Saint-Benoît d'Aviz de Portugal,  
l'Ordre de l'Aigle Rouge de Prusse  
Ville Libre et Hanséatique de Brême

Et le Sénat de la Ville Libre et  
Jean Henri Guillaume Smidt, Doct  
Sénat de Brême ;

Lesquels, après s'être communiqué  
en bonne et due forme, sont convenus

ART. I. Les Hautes Parties C  
présente Convention à se livrer ré

5°. Faux témoignage ;

6°. Vol, escroquerie, concussion, soustraction commise par des dépositaires publics ;

7°. Banqueroute frauduleuse.

II. Chacun des deux Gouvernements entend cependant se réserver le droit de ne pas consentir à l'extradition dans quelques cas spéciaux et extraordinaires, rentrant dans la catégorie des faits prévus par l'Article précédent.

Si le prévenu ou le condamné n'est pas sujet de celui des deux Etats Contractants qui le réclame, il ne pourra être livré qu'après que son Gouvernement aura été consulté et mis en demeure de faire connaître les motifs qu'il pourra avoir de s'opposer à l'extradition.

Dans tous les cas, le Gouvernement saisi de la demande d'extradition restera libre de donner à cette demande la suite qui lui paraîtra convenable et de livrer le prévenu, pour être jugé, soit à son pays natal, soit au pays où le crime aura été commis.

Il sera donné connaissance au Gouvernement qui réclame l'extradition, des motifs du refus.

III. Si l'individu réclamé se trouve détenu pour un crime ou délit qu'il a commis dans le pays où il s'est réfugié, son extradition pourra être différée jusqu'à ce qu'il ait subi sa peine ou qu'il ait été acquitté par une sentence définitive.

IV. L'extradition ne sera accordée que sur la production d'un arrêt de condamnation, ou d'un arrêt de mise en accusation, délivré, en original ou en expédition, authentique, par les tribunaux compétents dans les formes prescrites par la législation du Gouvernement qui demande l'extradition.

Comme d'après les lois en vigueur dans la République de Brême, la poursuite judiciaire des crimes, à défaut d'un ministère public, y est entamée d'office, au moyen d'un arrêt judiciaire, délivré sur indices légaux et décernant une information criminelle contre un individu quelconque, cet arrêt y tiendra lieu d'un arrêt de mise en accusation à l'effet de faire accorder l'extradition.

La demande d'extradition sera faite par voie diplomatique.

V. L'étranger pourra être arrêté provisoirement dans les deux pays pour l'un des faits mentionnés à l'Article I, sur l'exhibition d'un mandat d'arrêt décerné par l'autorité compétente et expédié dans les formes prescrites par les lois du Gouvernement réclamant.

Cette arrestation aura lieu dans les formes et suivant les règles prescrites par la législation du Gouvernement auquel elle est demandée.

L'étranger arrêté provisoirement sera mis en liberté si, en 3 mois, la production des pièces mentionnés dans l'Article IV n'a pas eu lieu de la part du Gouvernement qui réclame l'extradition.



de St. Benoit d'Aviz de Portugal, Chevalier de troisième classe de l'Ordre de l'Aigle Rouge de Prusse, Son Ministre résident près son Altesse Royale le Grand-Duc d'Oldenbourg, &c.

Et Son Altesse Royale le Grand-Duc d'Oldenbourg le Sieur Pierre-Frédéric-Louis de Rossing, Son Conseiller d'Etat et Chambellan, Chargé *ad interim* du Département des Affaires Etrangères ;

Lesquels, après s'être communiqué leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des articles suivants :

ART. I. Les Gouvernements Belge et Oldenbourgeois s'engagent à se livrer réciproquement les individus réfugiés de Belgique dans le Grand-Duché d'Oldenbourg ou du Grand-Duché d'Oldenbourg en Belgique, et mis en accusation ou condamnés pour l'un des crimes et délits ci-après énumérés, par les tribunaux de celui des deux pays où les faits auront été commis, à moins que ces individus ne soient sujets de l'Etat au Gouvernement duquel leur extradition est demandée.

Ces crimes et délits sont :

1. Assassinat, empoisonnement, parricide, infanticide, meurtre, viol ;
2. Incendie ;
3. Faux en écriture, y compris la contrefaçon de billets de banque et effets publics ;
4. Fausse monnaie ;
5. Faux témoignage ;
6. Vol, escroquerie, concussion, soustraction commise par des dépositaires publics ;
7. Banqueroute frauduleuse.

Les communications nécessaires pour s'entendre sur l'extradition d'un tel individu se feront par la voie diplomatique, à l'exclusion de toute correspondance directe entre les autorités judiciaires des deux pays.

II. S'il se présentait quelque cas rentrant dans la catégorie des faits prévus dans l'Article précédent tellement spéciaux et extraordinaires que l'extradition de l'individu réclamé parût blesser l'équité et l'humanité, chacun des deux Gouvernements se réserve alors le droit de ne pas consentir à cette extradition.

Il sera donné connaissance au Gouvernement qui réclame l'extradition des motifs du refus.

III. Si l'individu réclamé est poursuivi ou se trouve détenu pour un crime ou délit commis dans le pays où il s'est réfugié son extradition pourra être différée jusqu'à ce qu'il ait été acquitté par une sentence définitive ou qu'il ait subi sa peine.

IV. L'extradition ne sera accordée que sur la production d'un arrêt de condamnation ou de mise en accusation, délivré en original ou en expédition authentique, soit par un tribunal, soit par une





## PROTOCOLE ADDITIONNEL.

CEJOURD'HUI, les Soussignés Plénipotentiaires de Sa Majesté le Roi des Belges, d'une part, et de Son Altesse Royale le Grand-Duc d'Oldenbourg, d'autre part sont convenus que le terme de ratification fixé dans l'Article X de la Convention pour l'extradition réciproque des malfaiteurs, qui vient d'être conclue, ne commencera à courir qu'après l'approbation donnée à la Convention par la Chambre Legislative d'Oldenbourg.

En foi de quoi, ils ont signé, en double, le présent procès-verbal et y ont apposé le sceau de leurs armes.

Fait à Oldenbourg, ce 2 Juillet, 1851.

(L.S.) BEAULIEU.

(L.S.) DE ROSSING.

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*CONVENTION d'Extradition entre la Belgique et le Grand-Duché de Mecklenbourg-Strélitz.—Signée à Neustrélitz, le 9 Juin, 1851.*

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SA Majesté le Roi des Belges et Son Altesse Royale le Grand-Duc de Mecklenbourg-Strélitz, ayant jugé utile de conclure une Convention pour l'extradition réciproque des malfaiteurs, ont muni à cet effet de leurs pouvoirs, savoir :

Sa Majesté le Roi des Belges, le Sieur Napoléon-Alcindor Beaulieu, Chevalier de Son Ordre, Commandeur de l'Ordre de la Branche Ernestine de la maison de Saxe, Commandeur de l'Ordre de Saint-Benoît d'Aviz de Portugal, Chevalier de troisième classe de l'Ordre de l'Aigle-Rouge de Prusse, son Ministre résident près Son Altesse Royale le Grand-Duc de Mecklenbourg-Strélitz, &c.

Et Son Altesse Royale le Grand-Duc de Mecklenbourg-Strélitz, le Sieur Guillaume de Bernstorff, Grand-Croix de l'Ordre Impérial de Sainte-Anne de Russie, et Commandeur de l'Ordre Royal de Danebrog de Danemark, son Ministre d'Etat actuel et chambellan.

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Les Gouvernements Belge et Mecklenbourgeois s'engagent à se livrer réciproquement les individus réfugiés de Belgique en Mecklenbourg ou de Mecklenbourg en Belgique, et mis en accusation ou condamnés pour l'un des crimes ou délits ci-après énumérés, par les tribunaux de celui des deux pays où les faits auront été commis, à moins que ces individus ne soient sujets de l'Etat au Gouvernement duquel leur extradition est demandée.

Ces crimes et délits sont :

**7°. Banqueroute frauduleuse.**

Les communications nécessaires à l'arrestation d'un tel individu se feront par l'intermédiaire de toute correspondance directe, entre les deux pays.

II. S'il se présentait quelque fait prévu dans l'Article précédent, l'extradition de l'individu sera refusée par l'équité et l'humanité, chacun des deux pays se réservant alors le droit de ne pas consentir à l'extradition. Le Gouvernement donnera connaissance au Gouvernement du motif du refus.

III. Si l'individu réclamé est poursuivi pour un crime ou délit commis dans le pays de son extradition pourra être différé par une sentence définitive ou qu'il soit jugé par une autre autorité compétente du pays.

IV. L'extradition ne sera accordée que si l'individu est arrêté par un arrêt de condamnation ou de mise en liberté conditionnelle ou en expédition authentique soit par une autre autorité compétente du pays. L'extradition sera soumise aux formes prescrites par la législation du pays.

V. L'étranger réclamé pourra être extradité par les deux pays pour l'un des faits mentionnés ci-dessus. L'extradition sera soumise à l'émission d'un mandat d'arrêt décerné par une autorité compétente du pays. Le mandat d'arrêt sera expédié dans les formes prescrites par la législation du pays réclamant.

Cette arrestation aura lieu dans les formes prescrites par la législation du pays.

fait connexe à un semblable délit ni pour aucun des crimes ou délits non prévus par la présente Convention.

VII. L'extradition ne pourra avoir lieu, si, depuis les faits imputés, les poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise d'après les lois du pays dans lequel l'étranger se trouve.

VIII. Les frais d'arrestation, d'entretien et de transport de l'individu dont l'extradition aura été accordée resteront à la charge de chacun des deux Etats dans les limites de leurs territoires respectifs.

Les frais de transport, &c., par le territoire des Etats intermédiaires seront à la charge de l'Etat réclamant.

Au cas où le transport par mer serait jugé préférable, l'individu à extraditer sera conduit au port que désignera l'agent diplomatique ou consulaire accrédité par le Gouvernement réclamant, aux frais duquel il sera embarqué.

IX. La présente Convention ne sera exécutoire que 10 jours après sa publication dans les formes prescrites par les lois des deux pays.

X. La présente Convention continuera à être en vigueur jusqu'à l'expiration de 6 mois après déclaration contraire de la part de l'un des deux Gouvernements.

Elle sera ratifiée et les ratifications en seront échangées dans le délai de deux mois ou plus tôt si faire se peut.

En foi de quoi les deux Plénipotentiaires l'ont signée et y ont apposé le sceau de leurs armes.

Fait à Neustréltz, le 9 Juin, 1851.

(L.S.) BEAULIEU.

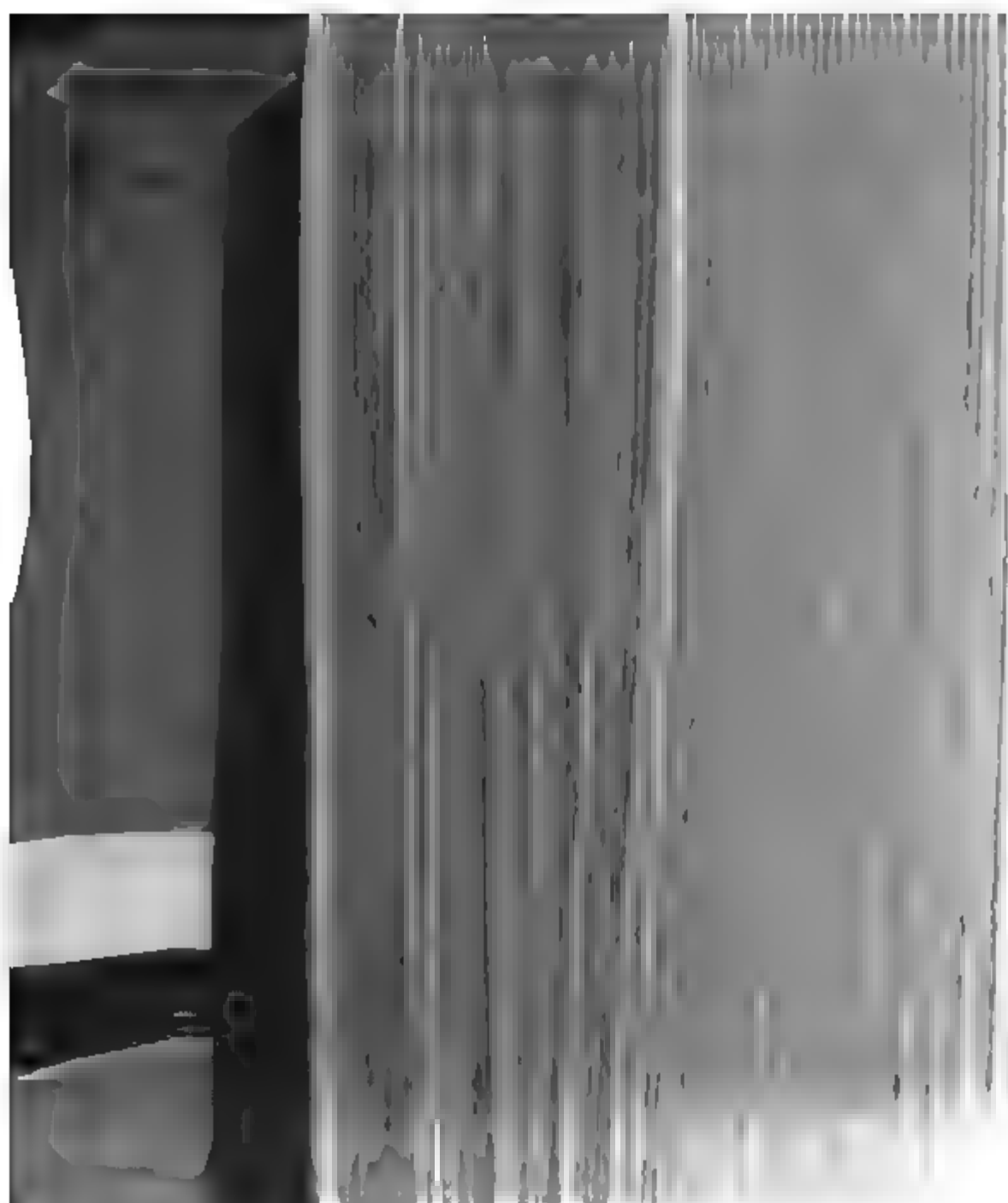
(L.S.) BERNSTORFF.

*CONVENTION d'Extradition entre la Belgique et la Ville Libre et Hanséatique de Lubeck.—Signée à Lubeck, le 17 Juillet, 1851.*

[Ratifications échangées à Lubeck, le 1er Octobre, 1851.]

SA Majesté le Roi des Belges et le Sénat de la Ville Libre et Hanséatique de Lubeck ayant jugé utile de conclure une Convention pour l'extradition réciproque des malfaiteurs, ont à cet effet muni de leurs pleins pouvoirs, savoir :

Sa Majesté le Roi des Belges, Le Sieur Napoleon Alcindor Beaulieu, Chevalier de son Ordre, Commandeur de l'Ordre de la Branche Ernestine de la Maison de Saxe, Commandeur de l'Ordre



3°. Faux en écriture, y compris la contrefaçon des billets de banque et effets publics ;

4°. Fausse monnaie ;

5°. Faux témoignage ;

6°. Vol, escroquerie, concussion, soustraetion commise par des dépositaires publics ;

7°. Banqueroute frauduleuse.

II. Chacun des deux Gouvernements entend néanmoins se réserver le droit de ne pas consentir à l'extradition dans quelques cas spéciaux et extraordinaires, rentrant dans la catégorie des faits prévus par l'Article précédent. Il sera donné connaissance au Gouvernement qui réclame l'extradition des motifs du refus.

Le criminel, qui n'est sujet ni de l'un ni de l'autre des Etats Contractants, ne sera restitué à celui des deux Etats où il est mis en accusation que dans le cas où l'Etat auquel ledit criminel appartient ne le réclamerait pas lui même en s'engageant à faire mettre en jugement, après que l'avis de son arrestation lui a été donné par l'Etat auquel l'extradition est demandée.

III. Si l'individu réclamé se trouve détenu dans le pays où il s'est réfugié, son extradition sera différée jusqu'à l'époque à laquelle sa détention devra légalement cesser.

IV. L'extradition ne sera accordée que sur la production d'un arrêt de condamnation ou de mise en accusation délivré en original ou en expédition authentique, soit par un tribunal, soit par une autorité compétente, dans les formes prescrites par la législation du Gouvernement qui demande l'extradition.

V. L'étranger réclamé pourra être arrêté provisoirement dans les deux pays pour l'un des faits mentionnés à l'Art. I, sur l'exhibition d'un mandat d'arrêt décerné par l'autorité compétente et expédié dans les formes prescrites par les lois du Gouvernement réclamant. Cette arrestation aura lieu dans les formes et suivant les règles prescrites par la législation du Gouvernement auquel elle est demandée. L'étranger arrêté provisoirement sera mis en liberté si, dans les 3 mois, il ne reçoit notification d'un arrêt de mise en accusation ou d'un jugement de condamnation dans les formes prescrites par la législation du Gouvernement qui demande l'extradition.

VI. Les dispositions de la présente Convention ne pourront pas être appliquées à des individus qui se sont rendus coupables d'un crime ou délit politique quelconque.

Dans le cas où l'un des crimes ou délits énumérés dans l'Art. I se trouverait confondu avec un délit politique, l'extradition ne pourra avoir lieu qu'après que le Gouvernement réclamant aura pris l'engagement de ne faire ni laisser exercer de poursuite du chef de délit politique.

VII. L'extradition ne pourra avoir lieu si, dans les faits imputés





de Léopold de Belgique, de la Légion d'Honneur de France et de plusieurs Ordres Etrangers, Colonel de Cavalerie, Président du Conseil des Ministres, son Ministre Secrétaire d'Etat pour les Affaires Etrangères, Surintendant-Général des Postes et Notaire de la Couronne;

Lesquels, après s'être communiqué leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Les Gouvernements Belge et Sarde s'engagent à se livrer réciproquement les sujets Sardes réfugiés en Belgique et les Belges réfugiés en Sardaigne, et mis en accusation ou condamnés pour l'un des crimes ou délits ci-après énumérés par l'un des tribunaux de celui des deux pays où les faits auront été commis.

Ces crimes et délits sont :

1°. Assassinat, empoisonnement, parricide, infanticide, meurtre, viol;

2°. Incendie;

3°. Faux en écriture, y compris la contrefaçon des billets de banque et effets publics;

4°. Fausse monnaie;

5°. Faux témoignage;

6°. Vol, escroquerie, concussion, soustraction commise par des dépositaires publics;

7°. Banqueroute frauduleuse.

II. Si des individus étrangers aux deux Etats venaient à se réfugier d'un pays dans l'autre après avoir commis un des crimes ou délits énumérés dans l'Article précédent, leur extradition devra aussi être réciproquement accordée toutes les fois que le Gouvernement du pays auquel ils appartiennent y aura donné son assentiment, lequel assentiment sera demandé par le Gouvernement qui réclamera l'extradition.

III. Si l'individu réclamé est poursuivi ou se trouve détenu pour un crime ou délit commis dans le pays où il s'est réfugié, son extradition pourra être différée jusqu'à ce qu'il ait été acquitté par une sentence définitive ou qu'il ait subi sa peine.

IV. L'extradition ne sera accordée que sur la production d'un arrêt de condamnation, ou de mise en accusation, délivré en original ou en expédition authentique, soit par un tribunal, soit par une autre autorité compétente du pays qui demande l'extradition dans les formes prescrites par la législation du Gouvernement réclamant.

V. L'étranger pourra être arrêté provisoirement dans les deux pays, pour l'un des faits mentionnés à l'Article I sur l'exhibition d'un mandat d'arrêt délivré par l'autorité compétente et expédié dans les formes prescrites par les lois du Gouvernement réclamant. Cette arrestation aura lieu dans les formes et suivant les règles prescrites par la législation du Gouvernement auquel elle est demandée.



*CONVENTION d'Extradition entre la Belgique et la Ville Libre de Francfort.—Signée à Francfort, le 27 Mai, 1852.*

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[Ratifications échangées à Francfort, le 21 Juillet, 1852.]

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SA Majesté le Roi des Belges et le Haut Sénat de la Ville Libre de Francfort, ayant jugé utile de conclure une Convention pour l'extradition réciproque d'accusés et de malfaiteurs, ont, à cet effet, muni de leurs pleins pouvoirs, savoir :

Sa Majesté le Roi des Belges,

Le comte Camille de Briey, Baron de Landres, Commandeur de Son Ordre de Léopold, Grand Croix de l'Ordre de St. Michel et Grand Croix de l'Ordre de la couronne de Bavière, Grand Croix de l'Ordre de la Légion d'Honneur de France, Grand Croix de l'Ordre de Charles III d'Espagne, Grand Croix de l'Ordre du Lion Néerlandais, Grand Croix de l'Ordre du Sauveur de Grèce, Grand Croix de l'Ordre de Louis et Grand Croix de l'Ordre du Lion d'Or de Hesse, décoré de première classe de l'Ordre du Soleil et du Lion de Perse, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Ville Libre de Francfort, près la Sérénissime Confédération Germanique, aux cours Royales de Bavière et de Wurtemberg, à la cour Grand-Ducale de Bade, aux cours Electorale et Grand-Ducale de Hesse et près de Son Altesse le Duc de Nassau,

Le Haut Sénat de la Ville Libre de Francfort :

Le Sénateur Edouard-Henri Harnier, échevin et syndic de cette Ville Libre, Chevalier de l'Ordre de l'Aigle Rouge de Prusse, troisième classe,

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Seront restitués de part et d'autre, à l'exception des nationaux, les individus, mis en accusation ou condamnés pour l'un des crimes ou délits ci-après énumérés, par les tribunaux de celui des deux pays où les faits auront été commis, savoir :

1°. Assassinat, empoisonnement, parricide, infanticide, meurtre, viol ;

2°. Incendie ;

3°. Faux en écriture, y compris la contrefaçon de billets de banque et effets publics ;

4°. Fausse monnaie ;

5°. Faux témoignage ;

6°. Vol, escroquerie, concussion, soustraction commise par des dépositaires publics ;

7°. Banqueroute frauduleuse.



l'individu dont l'extradition aura été accordée, resteront à la charge de chacun des deux Etats, dans les limites de leurs territoires respectifs.

Les frais de transport, &c., par le territoire des Etats intermédiaires, seront à la charge de l'Etat réclamant.

IX. La présente Convention ne sera exécutoire que 10 jours après son insertion dans le "Bulletin des lois" de chacun des deux pays.

X. La présente Convention continuera à être en vigueur jusqu'à l'expiration de 6 mois après la déclaration contraire de l'un des deux Gouvernements.

Elle sera ratifiée et les ratifications en seront échangées dans le délai de deux mois ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires ont signé la présente Convention en double et y ont apposé le sceau de leurs armes.

Fait à Francfort-sur-Mein, le 27 Mai, 1852.

(L.S.) C. DE BRIEY.

(L.S.) HARNIER.

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*CONVENTION d'Extradition entre la Belgique et le Landgrave de Hesse-Hombourg.—Signée à Francfort, le 20 Décembre, 1852.*

[Ratifications échangées à Francfort, le 20 Février, 1853.]

SA Majesté le Roi des Belges et Son Altesse Sérénissime le Landgrave Souverain de Hesse, désirant, de commun accord, conclure une Convention pour l'extradition réciproque d'accusés et de malfaiteurs, ont muni à cet effet de leurs pleins pouvoirs, savoir :

Sa Majesté le Roi des Belges,

Le Comte Camille de Briey, Baron de Landres, Commandeur de Son Ordre, Grand-Croix de la Légion d'Honneur de France, des Ordres de Charles III. d'Espagne, de la Couronne et de Saint-Michel de Bavière, du Lion Néerlandais, du Sauveur de Grèce, du Lion d'Or de la Hesse Electorale et de Louis de la Hesse Grand-Ducale, Décoré de l'Ordre de première class en Diamants du Soleil et du Lion de Perse, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Sérénissime Confédération Germanique, les Cours Royales de Bavière et de Wurtemberg, la Cour Grand-Ducale de Bade, la Cour Electorale de Hesse, la Cour Grand-

été trouvés en bonne et due forme  
vants :

**ART. I.** Les Gouvernements de  
de Son Altesse Sérénissime le Lan  
gagent à se livrer réciproquement  
les individus réfugiés du Landgraviat  
Belgique dans le Landgraviat de  
condamnés pour l'un des crimes  
l'un des tribunaux de celui des  
commis.

Ces crimes et délits sont :

1°. Assassinat, empoisonnement,  
viol ;

2°. Incendie ;

3°. Faux en écriture, y compris  
banque et effets publics ;

4°. Fausse monnaie ;

5°. Faux témoignage ;

6°. Vol, escroquerie, concussion  
dépositaires publics ;

7°. Banqueroute frauduleuse.

Les communications nécessaires  
tions ci-dessus spécifiées, se feront  
sion de toute correspondance directe  
des deux pays.

**II.** S'il se présentait quelques  
des faits prévus dans l'Article premier

IV. L'extradition ne sera accordée que sur la production d'un arrêt ou jugement de condamnation, de mise en accusation ou de renvoi au tribunal correctionnel délivré en original ou en expédition authentique, soit par un tribunal, soit par une autorité compétente du pays qui demande l'extradition, dans les formes prescrites par la législation du Gouvernement réclamant.

V. L'étranger réclamé pourra être arrêté provisoirement dans les deux pays pour l'un des faits mentionnés à l'Art I, sur l'exhibition d'un mandat d'arrêt décerné par l'autorité compétente et expédié dans les formes prescrites par les lois du Gouvernement réclamant.

Cette arrestation aura lieu dans les formes et suivant les règles prescrites par la législation du Gouvernement auquel elle est demandée.

L'étranger arrêté provisoirement sera mis en liberté si, dans le terme de 8 mois, il ne reçoit notification d'un arrêt ou jugement de condamnation, de mise en accusation ou de renvoi au tribunal correctionnel.

VI. Il est expressément stipulé que l'individu dont l'extradition aura été accordée ne pourra, dans aucun cas être poursuivi ou puni pour aucun délit ni politique antérieur à l'extradition, ni pour aucun fait connexe à un semblable délit, ni pour aucun des crimes ou délits non prévus par la présente Convention.

VII. L'extradition ne pourra avoir lieu si, depuis les faits imputés, les poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise, d'après les lois du pays dans lequel l'étranger se trouve.

VIII. Les frais d'arrestation, d'entretien et de transport de l'individu dont l'extradition aura été accordée resteront à la charge de chacun des deux Etats, dans les limites de leurs territoires respectifs. Les frais de transport, &c., par le territoire des Etats intermédiaires seront à la charge de l'Etat réclamant.

IX. La présente Convention ne sera exécutoire que 10 jours après sa publication dans les formes prescrites par les lois des deux pays.

X. La présente Convention continuera à être en vigueur jusqu'à l'expiration de 6 mois après déclaration contraire de la part de l'un des deux Gouvernements.

Elle sera ratifiée et les ratifications en seront échangées dans le délai de 6 semaines, ou plus tôt si faire se peut.

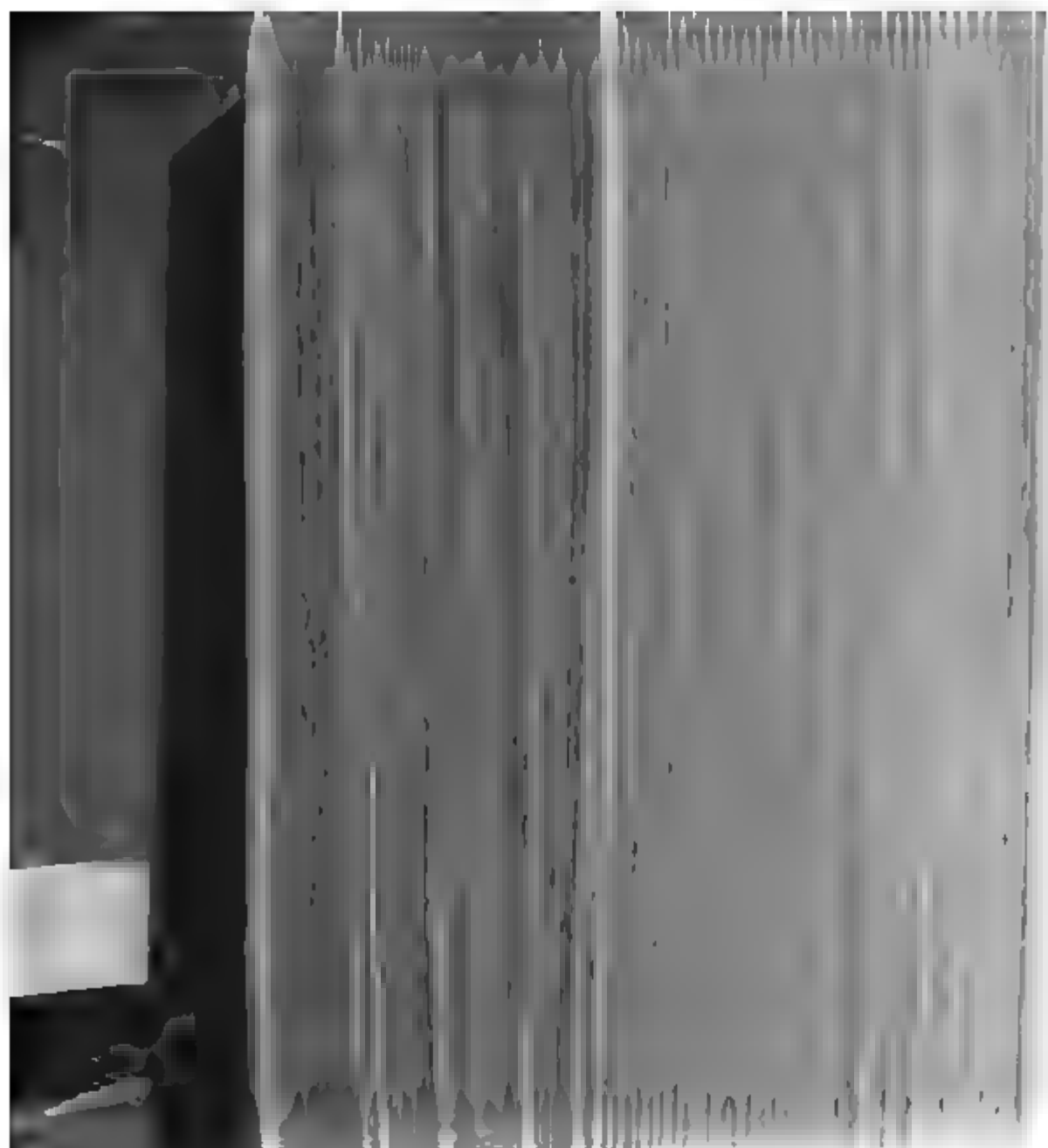
En foi de quoi, les deux Plénipotentiaires l'ont signée et y ont apposé le sceau de leurs armes.

Fait à Francfort-sur-Mein, le 20 Décembre, 1852.

(L.S.) COMTE DE BRIEY.

(L.S.) BARON DE HOLZHAUSEN.





ART. I. Les Gouvernements de Sa Majesté le Roi des Belges et de Son Altesse Sérénissime le Prince Souverain de Reuss, branche aînée, s'engagent à se livrer réciproquement, à l'exception de leurs nationaux, les individus réfugiés de la principauté de Reuss, branche aînée, en Belgique ou de Belgique dans la principauté de Reuss, branche aînée, et mis en accusation ou condamnés pour l'un des crimes ou délits ci-après énumérés, par l'un des tribunaux de celui des deux pays où les faits auront été commis.

Ces crimes et délits sont :

1°. Assassinat, empoisonnement, parricide, infanticide, meurtre, viol ;

2°. Incendie ;

3°. Faux en écriture, y compris la contrefaçon des billets de banque et effets publics ;

4°. Fausse monnaie ;

5°. Faux témoignage ;

6°. Vol, escroquerie, concussion, soustraction commise par des dépositaires publics ;

7°. Banqueroute frauduleuse.

Les communications nécessaires pour s'entendre sur les extraditions ci dessus spécifiées se feront par voie diplomatique à l'exclusion de toute correspondance directe entre les autorités judiciaires des deux pays.

II. S'il se présentait quelques cas, rentrant dans la catégorie des faits prévus dans l'Article précédent, tellement spéciaux et extraordinaires que l'extradition de l'individu réclamé parut blesser l'équité et l'humanité, chacun des deux Gouvernements se réserve alors le droit de ne pas consentir à cette extradition.

Il sera donné connaissance au Gouvernement qui réclame l'extradition, des motifs du refus.

III. Si l'individu réclamé est poursuivi ou se trouve détenu pour un crime ou un délit commis dans le pays où il s'est réfugié, son extradition pourra être différée jusqu'à ce qu'il ait été acquitté par une sentence définitive ou qu'il ait subi sa peine.

IV. L'extradition ne sera accordée que sur la production d'un arrêt ou jugement de condamnation, de mise en accusation ou de renvoi au tribunal correctionnel, délivré, en original ou en expédition authentique, soit par un tribunal, soit par une autorité compétente du pays qui demande l'extradition, dans les formes prescrites par la législation du pays réclamant.

V. L'étranger réclamé pourra être arrêté provisoirement dans les deux pays, pour l'un des faits mentionnés à l'Article I, sur l'exhibition d'un mandat d'arrêt, décerné par l'autorité compétente et expédié dans les formes prescrites par les lois du Gouvernement réclamant. Cette arrestation aura lieu dans les formes et suivant



**CONVENTION d'Extradition entre la Belgique et la Principauté de Reuss-Schleitz.—Signée à Francfort, le 20 Décembre, 1852.**

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[Ratifications échangées à Francfort, le 1 Août, 1853.]

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SA Majesté le Roi des Belges et Son Altesse Sérénissime le Prince Souverain de Reuss, branche cadette, désirant, de commun accord, conclure une Convention pour l'extradition réciproque d'accusés et de malfaiteurs, ont, à cet effet, muni de leurs pleins pouvoirs, savoir :

Sa Majesté le Roi des Belges, le Comte Camille de Briey, Baron de Landres, Commandeur de son Ordre, Grand-Croix de la Légion d'Honneur de France, des Ordres de Charles III d'Espagne, de la Couronne et de Saint Michel de Bavière, du Lion Néerlandais, du Sauveur de Grèce, du Lion d'Or de la Hesse Electorale, et de Louis de la Hesse Grand-Ducal, décoré de la première classe, en diamants, de l'Ordre du Soleil et du Lion de Perse, son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Sérénissime Confédération Germanique, les Cours Royales de Bavière et de Wurtemberg, la Cour Grand-Ducal de Bade, la Cour Electorale de Hesse, la Cour Grand-Ducal de Hesse, la Cour Ducal de Nassau et près la Ville Libre de Francfort ;

Et Son Altesse Sérénissime le Prince Souverain de Reuss, branche cadette ;

Le Baron Adolphe de Holzhausen, commandeur de l'Ordre de Louis de la Hesse Grand-Ducal avec Etoile, Chevalier de l'Ordre de Saint Jean de Jérusalem et de l'Ordre de la Maison de Hohenzollern, son Conseiller Intime Actuel, Envoyé et Ministre Plénipotentiaire à la Diète de la Confédération Germanique.

Lesquels, après s'être communiqué leurs pleins pouvoirs, qui ont été trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Les Gouvernements de Sa Majesté le Roi des Belges et de Son Altesse Sérénissime le Prince Souverain de Reuss, branche cadette, s'engagent à se livrer réciproquement, à l'exception de leurs nationaux, les individus réfugiés de la Principauté de Reuss, branche cadette, en Belgique ou de Belgique dans la Principauté de Reuss, branche cadette, et mis en accusation ou condamnés pour l'un des crimes ou délits ci-après énumérés, par l'un des tribunaux de celui des deux pays où les faits auront été commis.

Ces crimes et délits sont :

1°. Assassinat, empoisonnement, parricide, infanticide, meurtre, viol ;

2°. Incendie ;



putés, les poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise d'après les lois du pays dans lequel l'étranger se trouve.

VIII. Les frais d'arrestation, d'entretien et de transport de l'individu dont l'extradition aura été accordée, resteront à la charge de chacun des deux Etats dans les limites de leurs territoires respectifs.

Les frais de transport, &c., par le territoire des Etats intermédiaires seront à la charge de l'Etat réclamant.

IX. La présente Convention ne sera exécutoire que 10 jours après sa publication dans les formes prescrites par les lois des deux pays.

X. La présente Convention continuera à être en vigueur jusqu'à l'expiration de 6 mois après la déclaration contraire de la part de l'un des deux Gouvernements.

Elle sera ratifiée et les ratifications en seront échangées dans le délai de 6 semaines, ou plus tôt si faire se peut.

En foi de quoi, les deux Plénipotentiaires l'ont signée et y ont apposé le sceau de leurs armes.

Fait à Francfort-sur-Mein, le 20 Décembre, 1852.

(L.S.) COMTE DE BRIEY.

(L.S.) BARON DE HOLZHAUSEN.

#### ARTICLE ADDITIONNEL.

Les Parties Contractantes sont convenues d'ajouter, à la suite de l'Article III, le paragraphe suivant, qui aura force et valeur comme la Convention tout entière, savoir :

“ Il en sera de même, lorsque l'individu réclamé est détenu pour dette, en vertu d'une condamnation antérieure à la demande d'extradition.”

(L.S.) COMTE DE BRIEY.

(L.S.) BARON DE HOLZHAUSEN.

*CONVENTION d'Extradition entre la Belgique et la Principauté de Lippe.—Signée à Francfort-sur-Mein, le 20 Décembre, 1852.*

[Ratifications échangées à Francfort-sur-Mein, le 1er Avril, 1853.]

SA Majesté le Roi des Belges et Son Altesse Sérénissime le Prince Souverain de Lippe, désirant, de commun accord, conclure une Convention, pour l'extradition réciproque d'accusés et de malfaiteurs, ont muni à cet effet de leurs pleins pouvoirs, savoir :

Sa Majesté le Roi des Belges, le Comte Camille de Briey, Baron





ordinares que l'extradition de l'individu réclamé parût blesser l'équité et l'humanité, chacun des deux Gouvernements se réserve alors le droit de ne pas consentir à cette extradition.

Il sera donné connaissance au Gouvernement qui réclame l'extradition des motifs du refus.

III. Si l'individu réclamé est poursuivi ou se trouve détenu pour un crime ou un délit commis dans le pays où il s'est réfugié, son extradition pourra être différée, jusqu'à ce qu'il ait été acquitté par une sentence définitive ou qu'il ait subi sa peine.

IV. L'extradition ne sera accordée que sur la production d'un arrêt ou jugement de condamnation, de mise en accusation ou de renvoi au tribunal correctionnel, délivré en original ou en expédition authentique, soit par un tribunal, soit par une autorité compétente du pays qui demande l'extradition, dans les formes prescrites par la législation du pays réclamant.

V. L'étranger réclamé pourra être arrêté provisoirement dans les deux pays pour l'un des faits mentionnés à l'Article I, sur l'exhibition d'un mandat d'arrêt décerné par l'autorité compétente et expédié, dans les formes prescrites, par les lois du Gouvernement réclamant.

Cette arrestation aura lieu dans les formes et suivant les règles prescrites par la législation du Gouvernement auquel elle est demandée.

L'étranger arrêté provisoirement sera mis en liberté si, dans le terme de 3 mois, il ne reçoit notification d'un arrêt ou jugement de condamnation, de mise en accusation ou de renvoi au tribunal correctionnel.

VI. Il est expressément stipulé que l'individu dont l'extradition aura été accordée ne pourra, dans aucun cas, être poursuivi ou puni pour aucun délit politique antérieur à l'extradition, ni pour aucun fait connexe à un semblable délit, ni pour aucun des crimes ou délits non prévus par la présente Convention.

VII. L'extradition ne pourra avoir lieu si, depuis les faits imputés, les poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise, d'après les lois du pays dans lequel l'étranger se trouve.

VIII. Les frais d'arrestation, d'entretien et de transport de l'individu dont l'extradition aura été accordée resteront à la charge de chacun des deux Etats dans les limites de leurs territoires respectifs.

Les frais de transport, &c., par le territoire des Etats intermédiaires seront à la charge de l'Etat réclamant.

IX. La présente Convention ne sera exécutoire que 10 jours après sa publication dans les formes prescrites par les lois des deux pays.



Louis de la Hesse Grand-Ducal avec Etoile, Chevalier de l'Ordre de Saint-Jean de Jérusalem et de l'Ordre de la Maison de Hohenzollern, son Conseiller intime actuel, Envoyé et Ministre Plénipotentiaire à la Diète de la Confédération Germanique.

Lesquels, après s'être communiqué leurs pleins pouvoirs qui ont été trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Le Gouvernement de Sa Majesté le Roi des Belges et de Son Altesse Sérénissime le Prince Souverain de Liechtenstein, s'engagent à se livrer réciproquement, à l'exception de leurs nationaux, les individus réfugiés de la Principauté de Liechtenstein en Belgique ou de Belgique dans le Principauté de Liechtenstein et mis en accusation ou condamnés pour l'un des crimes ou délits ci-après énumérés par l'un des tribunaux de celui des deux pays où les faits auront été commis.

Ces crimes et délits sont :

1°. Assassinat, empoisonnement, parricide, infanticide, meurtre, viol :

2°. Incendie ;

3°. Faux en écriture y compris la contrefaçon des billets de banque et effets publics ;

4°. Fausse monnaie ;

5°. Faux témoignage ;

6°. Vol, escroquerie, concussion, soustraction commise par des dépositaires publics ;

7°. Banqueroute frauduleuse.

Les communications nécessaires pour s'entendre sur les extraditions ci-dessus spécifiées se feront par voie diplomatique, à l'exclusion de toute correspondance directe entre les autorités judiciaires des deux pays.

II. S'il se présentait quelques cas rentrant dans la catégorie des faits prévus dans l'Article précédent, tellement spéciaux et extraordinaires que l'extradition de l'individu réclamé parût blesser l'équité et l'humanité, chacun des deux Gouvernements se réserve alors le droit de ne pas consentir à cette extradition.

Il sera donné connaissance au Gouvernement qui réclame l'extradition des motifs du refus.

III. Si l'individu réclamé est poursuivi ou se trouve détenu pour un crime ou un délit commis dans le pays où il s'est réfugié, son extradition pourra être différée jusqu'à ce qu'il ait été acquitté par une sentence définitive ou qu'il ait subi sa peine.

IV. L'extradition ne sera accordée que sur la production d'un arrêt ou jugement de condamnation, de mise en accusation ou de renvoi au tribunal correctionnel délivré, en original ou en expédition authentique, soit par un tribunal, soit par une autorité compétente

- du pays qui demande l'extradition, dans les formes prescrites par la législation du pays réclamant.

V. L'étranger réclamé pourra être arrêté provisoirement dans les deux pays pour l'un des faits mentionnés à l'Article 1 sur l'exhibition d'un mandat d'arrêt décerné par l'autorité compétente et expédié dans les formes prescrites par les lois du Gouvernement réclamant.

Cette arrestation aura lieu dans les formes et suivant les règles prescrites par la législation du Gouvernement auquel elle est demandée.

L'étranger arrêté provisoirement sera mis en liberté, si, dans le terme de 3 mois, il ne reçoit notification d'un arrêt ou jugement de condamnation, de mise en accusation ou de renvoi au tribunal correctionnel.

VI. Il est expressément stipulé que l'individu dont l'extradition aura été accordée ne pourra, dans aucun cas, être poursuivi ou puni pour aucun délit politique antérieur à l'extradition, ni pour aucun fait connexe à un semblable délit, ni pour aucun des crimes ou délits non prévus par la présente Convention.

VII. L'extradition ne pourra avoir lieu si, depuis les faits imputés, les poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise, d'après les lois du pays dans lequel l'étranger se trouve.

VIII. Les frais d'arrestation, d'entretien et de transport de l'individu dont l'extradition aura été accordée, resteront à la charge de chacun des deux Etats dans les limites de leurs territoires respectifs.

Les frais de transport, &c., par le territoire des Etats intermédiaires seront à la charge de l'Etat réclamant.

IX. La présente Convention ne sera exécutoire que 10 jours après sa publication dans les formes prescrites par les lois des deux pays.

X. La présente Convention continuera à être en vigueur jusqu'à l'expiration de 6 mois après déclaration contraire de la part de l'un des Gouvernements.

Elle sera ratifiée et les ratifications en seront échangées dans le délai de 6 semaines, ou plus tôt si faire se peut.

En foi de quoi, les deux Plénipotentiaires l'ont signée et y ont apposé le sceau de leurs armes.

Fait à Francfort-sur-Mein, le 20 Décembre, 1852.

(L.S.) COMTE DE BRIEY.

(L.S.) BARON DE HOLZHAUSEN.

#### ARTICLE ADDITIONNEL.

Les Parties Contractantes sont convenues d'ajouter à la suite de l'Article III le paragraphe suivant, qui aura force et valeur comme

la Convention tout entière, savoir: "Il en sera de même lorsque l'individu réclamé est detenu pour dette en vertu d'une condamnation antérieure à la demande d'extradition."

(L.S.) COMTE DE BRIEY.

(L.S.) BARON DE HOLZHAUSEN.

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*CONVENTION d'Extradition entre la Belgique et la Principauté de Schaumbourg-Lippe.—Signée à Francfort-sur-Mein, le 12 Mars, 1853.*

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SA Majesté le Roi des Belges et Son Altesse Sérénissime le Prince Souverain de Schaumbourg-Lippe.

Ayant jugé utile de conclure une Convention pour l'Extradition réciproque d'Accusés et de Malfaiteurs, ont muni, à cet effet, de leurs pleins pouvoirs, savoir :

Sa Majesté le Roi des Belges, le Comte Camille de Briey, Baron de Landres, Commandeur de son Ordre, Grand-Croix de la Légion d'Honneur de France, des Ordres de Charles III d'Espagne, de la Couronne et de Saint-Michel de Bavière, du Lion Néerlandais, du Sauveur de Grèce, du Lion d'Or de la Hesse-Electorale, et de Louis de la Hesse Grand-Ducal, décoré de la première classe, en diamants, de l'Ordre du Soleil et du Lion de Perse, son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Sérénissime Confédération Germanique, les Cours Royales de Bavière et de Wurtemberg, à la Cour Grand-Ducal de Bade, à la Cour Electorale de Hesse, à la Cour Grand-Ducal de Hesse, à la Cour Ducal de Nassau et près la Ville Libre de Francfort ;

Et Son Altesse Sérénissime le Prince Souverain de Schaumbourg-Lippe, le Sieur Victor de Strauss, Chevalier de l'Ordre de Guillaume de la Hesse-Electorale, son Conseiller intime de Cabinet, Envoyé et Ministre Plénipotentiaire à la Diète de la Confédération Germanique ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, qui ont été trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Les Gouvernements de Sa Majesté le Roi des Belges et de Son Altesse Sérénissime le Prince Souverain de Schaumbourg-Lippe s'engagent à se livrer réciproquement, à l'exception de leurs nationaux, les individus réfugiés de la principauté de Schaumbourg-Lippe en Belgique ou de Belgique dans la principauté de Schaumbourg-Lippe, et mis en accusation ou condamnés pour l'un des crimes ou délits ci-après énumérés, par l'un des tribunaux de celui des deux pays où les faits auront été commis.

Ces crimes et délits sont :

- 1°. Assassinat, empoisonnement, parricide, infanticide, meurtre, viol ;
- 2°. Incendie ;
- 3°. Faux en écriture, y compris la contrefaçon des billets de banque et effets publics ;
- 4°. Fausse monnaie ;
- 5°. Faux témoignage ;
- 6°. Vol, escroquerie, concussion, soustraction commise par des dépositaires publics ;
- 7°. Banqueroute frauduleuse.

Les communications nécessaires pour s'entendre sur les extraditions ci-dessus spécifiées se feront par voie diplomatique, à l'exclusion de toute correspondance directe entre les autorités judiciaires des deux pays.

II. S'il se présentait quelques cas rentrant dans la catégorie des faits prévus dans l'Article précédent, tellement spéciaux et extraordinaires que l'extradition de l'individu réclamé parût blesser l'équité et l'humanité, chacun des deux Gouvernements se réserve alors le droit de ne pas consentir à cette extradition.

Il sera donné connaissance au Gouvernement qui réclame cette extradition des motifs du refus.

III. Si l'individu réclamé est poursuivi ou se trouve détenu pour un crime ou un délit commis dans le pays où il s'est réfugié, son extradition pourra être différée jusqu'à ce qu'il ait été acquitté par une sentence définitive ou qu'il ait subi sa peine.

Il en sera de même lorsque l'individu réclamé est détenu pour dettes, en vertu d'une condamnation antérieure à la demande d'extradition.

IV. L'extradition ne sera accordée que sur la production d'un arrêt ou jugement de condamnation, de mise en accusation ou de renvoi au tribunal correctionnel, délivré en original ou en expédition authentique, soit par un tribunal, soit par une autorité compétente du pays qui demande l'extradition, dans les formes prescrites par la législation du pays réclamant.

V. L'étranger réclamé pourra être arrêté provisoirement dans les deux pays pour l'un des faits mentionnés à l'Article I, sur l'exhibition d'un mandat d'arrêt décerné par l'autorité compétente et expédié, dans les formes prescrites, par les lois du Gouvernement réclamant.

Cette arrestation aura lieu dans les formes et suivant les règles prescrites par la législation du Gouvernement auquel elle est demandée.

L'étranger arrêté provisoirement sera mis en liberté si, dans le terme de 3 mois, il ne reçoit notification d'un arrêt ou jugement

de condamnation, de mise en accusation ou de renvoi au tribunal correctionnel.

VI. Il est expressément stipulé que l'individu dont l'extradition aura été accordée ne pourra, dans aucun cas, être poursuivi pour aucun délit politique antérieur à l'extradition, ni pour aucun fait connexe à un semblable délit, ni pour aucun des crimes ou délits non prévus par la présente Convention.

VII. L'extradition ne pourra avoir lieu si, depuis les faits imputés, les poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise, d'après les lois du pays dans lequel l'étranger se trouve.

VIII. Les frais d'arrestation, d'entretien et de transport de l'individu dont l'extradition aura été accordée resteront à la charge de chacun des deux Etats dans les limites de leurs territoires respectifs.

Les frais de transport, &c., par le territoire des Etats intermédiaires seront à la charge de l'Etat réclamant.

IX. La présente Convention ne sera exécutoire que 10 jours après sa publication dans les formes prescrites par les lois des deux pays.

X. La présente Convention continuera à être en vigueur jusqu'à l'expiration de 6 mois après déclaration contraire de la part de l'un des deux Gouvernements.

Elle sera ratifiée, et les ratifications en seront échangées dans le délai de 6 semaines, ou plus tôt, si faire se peut.

En foi de quoi, les deux Plénipotentiaires l'ont signée et y ont apposé le sceau de leurs armes.

Fait à Francfort-sur-Mein, le 12 Mars, 1853.

(L.S.) COMTE DE BRIEY.

(L.S.) V. VON STRAUSS.

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*CONVENTION d'Extradition entre la Belgique et les Principautés de Waldeck et Pyrmont.—Signée à Francfort-sur-Mein, le 1er Avril, 1853.*

SA Majesté le Roi des Belges et Son Altesse Sérénissime le Prince Souverain de Waldeck et Pyrmont, désirant, de commun accord, conclure une Convention pour l'Extradition réciproque d'Accusés et de Malfaiteurs, ont, à cet effet, muni de leurs pleins pouvoirs, savoir :

Sa Majesté le Roi des Belges, Le Comte Camille de Briey, Baron de Landres, Commandeur de son Ordre, Grand-Croix de la Légion d'Honneur de France, des Ordres de Charles III d'Espagne, de la Couronne et de Saint Michel de Bavière, du Lion Néerlandais, du Sauveur de Grèce, du Lion d'Or de la Hesse Electorale, et de Louis de la Hesse Grand-Ducal, décoré de la première classe en diamants



de Louis de la Hesse Grand-Ducaie ave  
de Saint Jean de Jérusalem et de l'Or  
zollern, son Conseiller Intime Actuel,  
potentiaire à la Diète de la Confédération

Lesquels, après s'être communiqué l  
été trouvés en bonne et due forme,  
suivants :

ART. I. Les Gouvernements de Sa  
de Son Altesse Sérénissime le Prince  
Pyrmont, s'engagent à se livrer récip  
leurs nationaux, les individus réfugiés  
et Pyrmont en Belgique ou de Belgique  
Waldeck et Pyrmont, et mis en accusat  
des crimes ou délits ci-après énumérés  
celui des deux pays où les faits auront é

Ces crimes et délits sont :

1°. Assassinat, empoisonnement, pa  
viol ;

2°. Incendie ;

3°. Faux en écriture, y compris l  
banque et effets publics ;

4°. Fausse monnaie ;

5°. Faux témoignage ;

6°. Vol, escroquerie, concussion, et  
dépositaires publics ;

7°. Banqueroute frauduleuse.

Les communications réciproques se

III. Si l'individu réclamé est poursuivi ou se trouve détenu pour un crime ou un délit commis dans le pays où il s'est réfugié, son extradition pourra être différée jusqu'à ce qu'il ait été acquitté par une sentence définitive, ou qu'il ait subi sa peine.

Il en sera de même, lorsque l'individu réclamé est détenu pour dette, en vertu d'une condamnation antérieure à la demande d'extradition.

IV. L'extradition ne sera accordée que sur la production d'un arrêt ou jugement de condamnation, de mise en accusation ou de renvoi au Tribunal Correctionnel, délivré, en original ou en expédition authentique, soit par un tribunal, soit par une autorité compétente du pays qui demande l'extradition, dans les formes prescrites par la législation du pays réclamant.

Tous les objets se trouvant en la possession de l'individu arrêté et qui pourraient servir de pièces de conviction, seront également livrés à l'Etat réclamant.

V. L'étranger réclamé pourra être arrêté provisoirement, dans les deux pays, pour l'un des faits mentionnés à l'Article I, sur l'exhibition d'un mandat d'arrêt, décerné par l'autorité compétente et expédié dans les formes prescrites par les lois du Gouvernement réclamant.

Cette arrestation aura lieu dans les formes et suivant les règles prescrites par la législation du Gouvernement auquel elle est demandée.

L'Etranger arrêté provisoirement sera mis en liberté, si, dans le terme de trois mois, il ne reçoit signification d'un arrêt ou jugement de condamnation, de mise en accusation ou de renvoi au Tribunal Correctionnel.

VI. Il est expressément stipulé que l'individu dont l'extradition aura été accordée ne pourra, dans aucun cas, être poursuivi ou puni pour aucun délit politique antérieur à l'extradition, ni pour aucun fait connexe à un semblable délit, ni pour aucun des crimes ou délits non prévus par la présente Convention.

VII. L'extradition ne pourra avoir lieu si, depuis les faits imputés, les poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise d'après les lois du pays dans lequel l'étranger se trouve.

VIII. Les frais d'arrestation, d'entretien et de transport de l'individu dont l'extradition aura été accordée, resteront à la charge de chacun des deux Etats dans les limites de leurs territoires respectifs.

Les frais de transport, &c., par le territoire des Etats intermédiaires seront à la charge de l'Etat réclamant.

IX. La présente Convention ne sera exécutoire que 10 jours après sa publication dans les formes prescrites par les lois des deux pays.



été commis, à moins que ces individus ne soient sujets de l'Etat ou Gouvernement auquel leur extradition est demandée.

Ces crimes et délits sont :

1°. Assassinat, empoisonement, parricide, infanticide, meurtre, viol ;

2°. Incendie ;

3°. Faux en écriture y compris la contrefaçon des billets de banque et effets publics ;

4°. Fausse monnaie ;

5°. Faux témoignage ;

6°. Vol, escroquerie, concussion, soustraction commise par des dépositaires publics ;

7°. Banqueroute frauduleuse.

Les communications nécessaires pour s'entendre sur les extraditions ci-dessus spécifiées se feront par la voie diplomatique, à l'exclusion de toute correspondance directe entre les autorités judiciaires des deux pays.

II. Si l'individu réclamé est poursuivi ou se trouve détenu pour un crime ou un délit commis dans le pays où il s'est réfugié, son extradition pourra être différée jusqu'à ce qu'il ait été acquitté par une sentence définitive ou qu'il ait subi sa peine. Il en sera de même lorsque l'individu réclamé est détenu pour dettes en vertu d'une condamnation antérieure à la demande d'extradition.

III. L'extradition ne sera accordée que sur la production d'un arrêt de condamnation ou de mise en accusation délivré, en original ou en expédition authentique, soit par un tribunal, soit par une autorité compétente du pays qui demande l'extradition, dans les formes prescrites par la législation du Gouvernement réclamant.

IV. L'étranger réclamé pourra être arrêté provisoirement dans les deux pays pour l'un des faits mentionnés à l'Article I sur l'exhibition d'un mandat d'arrêt décerné par l'autorité compétente et expédié dans les formes prescrites par les lois du Gouvernement réclamant.

Cette arrestation aura lieu dans les formes et suivant les règles prescrites par la législation du Gouvernement auquel elle est demandée.

L'étranger arrêté provisoirement sera mis en liberté, si, dans le terme de 3 mois, il ne reçoit notification d'un arrêt de mise en accusation ou de condamnation.

V. Les dispositions de la présente Convention ne pourront pas être appliquées à des individus qui se seront rendus coupables d'un délit politique quelconque.

VI. L'extradition ne pourra avoir lieu si, depuis les faits imputés, les poursuites ou la condamnation, la prescription de l'action

Gouvernements jugera nécessaire l'at  
dans l'autre Etat, une commission rog  
par la voie diplomatique, et il y sera  
lois du pays où les témoins seront invi

Les Gouvernements respectifs ren  
toute réclamation par rapport à la rest  
teraient.

IX. Si, dans une cause pénale, la  
témoin dans l'autre pays est nécessai  
ment l'engagera à se rendre à l'invitat  
de consentement, il lui sera accordé de  
d'après les tarifs et règlements en vigo  
devra avoir lieu.

X. Lorsque, dans une cause pénal  
de conviction ou de documents se t  
autorités de l'autre pays, sera jugée ut  
en sera faite par la voie diplomatique  
autant qu'il n'y ait pas de considérati  
et sous l'obligation de renvoyer les piè

Les Gouvernements respectifs ren  
toute réclamation de frais résultant  
des pièces et documents.

XI. La présente Convention ne  
après sa publication dans les formes p  
pays.

XII. La présente Convention et

**CONVENTION d'Extradition entre la Belgique et la Principauté de Schwarzbourg-Rudolstadt.—Signée à Francfort-sur-Mein, le 8 Juin, 1853.**

SA Majesté le Roi des Belges et Son Altesse Sérénissime Monseigneur le Prince de Schwarzbourg-Rudolstadt ayant jugé utile de conclure une Convention pour l'extradition réciproque des malfaiteurs, ont muni, à cet effet, de leurs pleins pouvoirs, savoir :

Sa Majesté le Roi des Belges,

Le Sieur Roger Helman de Grimberghe, Son Secrétaire de Légation et Son Chargé d'Affaires *ad interim* près la Sérénissime Confédération Germanique, les Cours Royales de Bavière et de Wurtemberg, les Cours Grand-Ducales de Bade et de Hesse, la Cour Electorale de Hesse, la Cour Ducale de Nassau et la Ville Libre de Francfort ;

Son Altesse Sérénissime Monseigneur le Prince de Schwarzbourg-Rudolstadt,

Le Sieur Guillaume de Eisendecker, Docteur en Droit, Conseiller d'Etat, Envoyé et Ministre Plénipotentiaire d'Oldenbourg, d'Anhalt et de Schwarzbourg à la Haute Diète Germanique, Grand-Croix, Commandeur et Chevalier de Plusieurs Ordres ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Les Gouvernements Belge et de Schwarzbourg-Rudolstadt s'engagent à se livrer réciproquement les individus réfugiés de Belgique dans la Principauté de Schwarzbourg-Rudolstadt ou de la Principauté de Schwarzbourg-Rudolstadt en Belgique et mis en accusation ou condamnés, pour l'un des crimes ou délits ci-après énumérés, par les tribunaux de celui des deux pays où les faits auront été commis, à moins que ces individus ne soient sujets de l'Etat au Gouvernement duquel leur extradition est demandée.

Ces crimes ou délits sont :

1°. Assassinat, empoisonnement, parricide, infanticide, meurtre, viol ;

2°. Incendie ;

3°. Faux en écriture, y compris la contrefaçon de billets de banque et effets publics ;

4°. Fausse monnaie ;

5°. Faux témoignage ;

6°. Vol, escroquerie, concussion, soustraction, commise par des dépositaires publics ;

7°. Banqueroute frauduleuse.

Les communications nécessaires pour s'entendre sur l'extradition d'un tel individu, se feront par la voie diplomatique, à l'exclusion

de toute correspondance directe entre les autorités judiciaires des deux pays.

II. S'il se présentait quelques cas rentrant dans la catégorie des faits prévus dans l'Article précédent tellement spéciaux et extraordinaires, que l'extradition de l'individu réclamé parût blesser l'équité et l'humanité, chacun des deux Gouvernements se réserve alors le droit de ne pas consentir à cette extradition.

Il sera donné connaissance au Gouvernement qui réclame l'extradition des motifs du refus.

III. Si l'individu réclamé est poursuivi ou se trouve détenu pour un crime ou délit commis dans le pays où il s'est réfugié, son extradition pourra être différée jusqu'à ce qu'il ait été acquitté par une sentence définitive ou qu'il ait subi sa peine. Il en sera de même lorsque l'individu réclamé est détenu pour dettes en vertu d'une condamnation antérieure à la demande d'extradition.

IV. L'extradition ne sera accordée que sur la production d'un arrêt de condamnation ou de mise en accusation délivré, en original ou en expédition authentique, soit par un tribunal, soit par une autre autorité compétente du pays qui demande l'extradition, dans les formes prescrites par la législation du Gouvernement réclamant.

V. L'étranger réclamé pourra être arrêté provisoirement dans les deux pays pour l'un des faits mentionnés à l'Article I sur l'exhibition d'un mandat d'arrêt décerné par l'autorité compétente et expédié dans les formes prescrites par les lois du Gouvernement réclamant.

Cette arrestation aura lieu dans les formes et suivant les règles prescrites par la législation du Gouvernement auquel elle est demandée.

L'étranger arrêté provisoirement sera mis en liberté, si, dans le terme de 3 mois, il ne reçoit notification d'un arrêt de mise en accusation ou de condamnation.

VI. Il est expressément stipulé que l'individu dont l'extradition aura été accordée, ne pourra, dans aucun cas, être poursuivi ou puni pour aucun délit politique antérieur à l'extradition ni pour aucun fait connexe à un semblable délit ni pour aucun des crimes ou délits non prévus par la présente Convention.

VII. L'extradition ne pourra avoir lieu si, depuis les faits imputés, les poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise, d'après les lois du pays dans lequel l'étranger se trouve.

VIII. Les frais d'arrestation, d'entretien et de transport de l'individu dont l'extradition aura été accordée, resteront à la charge de chacun des deux Etats dans les limites de leurs territoires respectifs.



Les frais de transport, &c., par le territoire des Etats intermédiaires seront à la charge de l'Etat réclamant.

IX. La présente Convention ne sera exécutoire que 10 jours après sa publication dans les formes prescrites par les lois des deux pays.

X. La présente Convention continuera à être en vigueur jusqu'à l'expiration de 6 mois après déclaration contraire de la part de l'un des deux Gouvernements.

Elle sera ratifiée et les ratifications en seront échangées dans le délai de 6 semaines ou plus tôt, si faire se peut.

En foi de quoi, les deux Plénipotentiaires l'ont signée et y ont apposé le sceau de leurs armes.

Fait à Francfort-sur-le-Mein, le 8 Juin, 1858.

(L.S.) GRIMBERGHE.

(L.S.) W. DE EISENDECHER.

*CONVENTION d'Extradition entre la Belgique et la Principauté de Schwarzbourg-Sondershausen.—Signée à Francfort-sur-Mein, le 13 Juin, 1853.*

SA Majesté le Roi des Belges et Son Altesse Sérénissime Monseigneur le Prince de Schwarzbourg-Sondershausen, ayant jugé utile de conclure une Convention pour l'extradition réciproque des malfaiteurs, ont muni, à cet effet, de leurs pleins pouvoirs, savoir :

Sa Majesté le Roi des Belges,

Le Sieur Roger Helman de Grimberghe, son Secrétaire de Légation et son Chargé d'Affaires ad interim près la Sérénissime Confédération Germanique, les Cours Royales de Bavière et de Wurtemberg, les Cours Grand-Ducales de Bade et de Hesse, la Cour Electorale de Hesse, la Cour Ducale de Nassau et la Ville Libre de Francfort ;

Son Altesse Sérénissime Monseigneur le Prince de Schwarzbourg-Sondershausen,

Le Sieur Guillaume de Eisendecher, Docteur en droit, Conseiller d'Etat, Envoyé et Ministre Plénipotentiaire d'Oldenbourg, d'Anhalt et de Schwarzbourg à la Haute Diète Germanique, Grand-Croix, Commandeur et Chevalier de plusieurs ordres ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Les Gouvernements Belge et de Schwarzbourg-Sondershausen s'engagent à se livrer réciproquement les individus réfugiés de Belgique dans la principauté de Schwarzbourg-Sondershausen ou de la principauté de Schwarzbourg-Sondershausen

en Belgique, et mis en accusation ou condamnés pour l'un des crimes ou délits ci-après énumérés, par les tribunaux de celui des deux pays où les faits auront été commis, à moins que ces individus ne soient sujets de l'Etat au Gouvernement duquel leur extradition est demandée.

Ces crimes ou délits sont :

- 1°. Assassinat, empoisonnement, parricide, infanticide, meurtre, viol ;
- 2°. Incendie ;
- 3°. Faux en écriture, y compris la contrefaçon de billets de banque et effets publics ;
- 4°. Fausse monnaie ;
- 5°. Faux témoignage ;
- 6°. Vol, escroquerie, concussion, soustraction commise par des dépositaires publics ;
- 7°. Banqueroute frauduleuse.

Les communications nécessaires pour s'entendre sur l'extradition d'un tel individu se feront par la voie diplomatique, à l'exclusion de toute correspondance directe entre les autorités judiciaires des deux pays.

II. S'il se présentait quelques cas, rentrant dans la catégorie des faits prévus dans l'Article précédent, tellement spéciaux et extraordinaires que l'extradition de l'individu réclamé parût blesser l'équité et l'humanité, chacun des deux Gouvernements se réserve alors le droit de ne pas consentir à cette extradition.

Il sera donné connaissance au Gouvernement qui réclame l'extradition des motifs du refus.

III. Si l'individu réclamé est poursuivi ou se trouve détenu pour un crime ou délit commis dans le pays où il s'est réfugié, son extradition pourra être différée jusqu'à ce qu'il ait été acquitté par une sentence définitive, ou qu'il ait subi sa peine.

Il en sera de même, lorsque l'individu réclamé est détenu pour dettes, en vertu d'une condamnation antérieure à la demande d'extradition.

IV. L'extradition ne sera accordée que sur la production d'un arrêt de condamnation ou de mise en accusation, délivré, en original ou en expédition authentique, soit par un tribunal, soit par une autre autorité compétente du pays qui demande l'extradition, dans les formes prescrites par la législation du Gouvernement réclamant.

V. L'étranger réclamé pourra être arrêté provisoirement, dans les deux pays, pour l'un des faits mentionnés à l'Article I, sur l'exhibition d'un mandat d'arrêt, décerné par l'autorité compétente et expédié dans les formes prescrites par les lois du Gouvernement réclamant.

Cette arrestation aura lieu dans les formes et suivant les règles

prescrites par la législation du Gouvernement auquel elle est demandée.

L'étranger arrêté provisoirement sera mis en liberté, si, dans le terme de 3 mois, il ne reçoit notification d'un arrêt de mise en accusation ou de condamnation.

VI. Il est expressément stipulé que l'individu dont l'extradition aura été accordée ne pourra, dans aucun cas, être poursuivi ou puni pour aucun délit politique antérieur à l'extradition, ni pour aucun fait connexe à un semblable délit, ni pour aucun des crimes ou délits non prévus par la présente Convention.

VII. L'extradition ne pourra avoir lieu si, depuis les faits imputés, les poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise d'après les lois du pays dans lequel l'étranger se trouve.

VIII. Les frais d'arrestation, d'entretien et de transport de l'individu dont l'extradition aura été accordée, resteront à la charge de chacun des deux Etats dans les limites de leurs territoires respectifs.

Les frais de transport, etc., par le territoire des Etats intermédiaires seront à la charge de l'Etat réclamant.

IX. La présente Convention ne sera exécutoire que 10 jours après sa publication dans les formes prescrites par les lois des deux pays.

X. La présente Convention continuera à être en vigueur jusqu'à l'expiration de 6 mois après déclaration contraire de la part de l'un des deux Gouvernements.

Elle sera ratifiée et les ratifications en seront échangées dans le délai de 6 semaines, ou plus tôt si faire se peut.

En foi de quoi, les deux Plénipotentiaires l'ont signée et y ont apposé le sceau de leurs armes.

Fait à Francfort-sur-Mein, le 13 Juin, 1853.

(L S.) GRIMBERGHE.

(L.S.) W. DE EISENDECHER.

*CONVENTION d'Extradition entre la Belgique et l'Empire d'Autriche.—Signée à Vienne, ce 16 Juillet, 1853.*

[Ratifications échangées à Vienne, le 22 Septembre, 1853.]

SA Majesté le Roi des Belges et Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, ayant jugé utile de conclure une Convention pour l'extradition réciproque des malfaiteurs, ont muni, à cet effet, de leurs pleins pouvoirs, savoir :

Sa Majesté le Roi des Belges,

M. le Comte Alphonse O'Sullivan de Grasa, Baron de Scovand, son Envoyé Extraordinaire et Ministre Plénipotentiaire près de Sa Majesté Impériale et Royale Apostolique, Commandeur de l'Ordre de Léopold, Grand-Croix de l'Ordre de la Branche Ernestine de Saxe, Grand Officier de l'Ordre Impérial de la Légion d'Honneur, Décoré de l'Ordre Impérial du Sultan de la Première Classe en Brillants, Commandeur de l'Ordre de Saint-Grégoire-le-Grand, Chevalier de l'Ordre de Saint-Anne de la deuxième classe en Brillants, &c.

Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême,

M. le Comte Charles de Buol-Schauenstein, Chevalier de première classe de l'Ordre Impérial de la Couronne de Fer, Grand-Croix de l'Ordre de Saint-Jean de Jérusalem, Chevalier de l'Ordre de Saint-Alexandre-Newsky en Diamants et de l'Aigle Blanc de Russie, Chevalier de l'Ordre de l'Eléphant de Danemark, de l'Aigle Noir de Prusse et de Saint-Hubert de Bavière, Chevalier de l'Ordre Sicilien de Saint-Janvier, Grand-Croix de l'Ordre du Lion Néerlandais, de l'Ordre Pontifical de Pie et de l'Ordre Grec du Sauveur, Grand-Croix de l'Ordre Electoral du Lion d'Or, Chevalier de l'Ordre Badois pour la Fidélité et Grand-Croix de l'Ordre du Lion de Zaehringen, Grand-Croix de l'Ordre de Louis de la Maison Grand-Ducale de Hesse, Grand-Croix de la Branche Ernestine de Saxe, de l'Ordre de Constantinien de Saint-George et de celui de Louis de Parme, Chambellan, Conseiller intime actuel de Sa Majesté Impériale et Royale Apostolique, Son Ministre des Affaires Etrangères et de la Maison Impériale

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART I Les Gouvernements Belge et Autrichien s'engagent à se livrer réciproquement les individus réfugiés de Belgique en Autriche ou d'Autriche en Belgique et mis en accusation ou condamnés, pour l'un des crimes ou délits ci-après énumérés, par l'un des tribunaux de celui des deux pays où les faits auront été commis, à moins que ces individus ne soient sujets de l'Etat au Gouvernement duquel leur extradition est demandée.

Ces crimes ou délits sont :

- 1°. Meurtre (assassinat, empoisonnement), parricide, infanticide,
- 2°. Viol ;
- 3°. Incendie ;
- 4°. Faux en écriture publique et privée, y compris la contrefaçon ou falsification de billets de banque, de papier monnaie et d'effets publics ;

5°. Fabrication de fausse monnaie, altération de monnaies et émission, avec connaissance, de monnaie fause ;

6°. Faux témoignage ;

7°. Vol, escroquerie, concussion, soustraction ou détournement commis par des dépositaires ou comptables publics ;

8°. Banqueroute frauduleuse.

Les communications nécessaires pour s'entendre sur l'extradition d'un tel individu, se feront par la voie diplomatique, à l'exclusion de toute correspondance directe entre les autorités judiciaires des deux pays.

II. Si l'individu réclamé, est poursuivi ou se trouve détenu pour un crime ou délit commis dans le pays où il s'est réfugié, son extradition pourra être différée jusqu'à ce qu'il ait été acquitté par une sentence définitive ou qu'il ait subi sa peine. Il en sera de même lorsque l'individu réclamé est détenu pour dettes en vertu d'une condamnation antérieure à la demande d'extradition.

III. L'extradition ne sera accordée que sur la production d'un arrêt de condamnation ou de mise en accusation délivré, en original ou en expédition authentique, soit par un tribunal, soit par une autre autorité compétente du pays qui demande l'extradition, dans les formes prescrites par la législation du Gouvernement réclamant.

IV. L'étranger réclamé pourra être arrêté provisoirement dans les deux pays pour l'un des faits mentionnés à l'Article I, sur l'exhibition d'un mandat d'arrêt décerné par l'autorité compétente et expédié dans les formes prescrites par les lois du Gouvernement réclamant.

Cette arrestation aura lieu dans les formes et suivant les règles prescrites par la législation du Gouvernement auquel elle est demandée.

L'étranger arrêté provisoirement sera mis en liberté, si, dans le terme de 3 mois, il ne reçoit notification d'un arrêt de mise en accusation ou de condamnation.

V. Il est expressément stipulé que l'individu dont l'extradition aura été accordée, ne pourra, dans aucun cas, être poursuivi ou puni pour aucun délit politique antérieur à l'extradition ni pour aucun fait connexe à un semblable délit ni pour aucun des crimes ou délits non prévus par la présente Convention.

VI. L'extradition ne pourra avoir lieu si, depuis les faits imputés, les poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise, d'après les lois du pays dans lequel l'étranger se trouve.

VII. Les frais d'arrestation d'entretien et de transport de l'individu dont l'extradition aura été accordée, resteront à la charge

de chacun des deux Etats dans les limites de leurs territoires respectifs.

Les frais de transport, &c., par le territoire des Etats intermédiaires seront à la charge de l'Etat réclamant; au cas où le transport par mer serait jugé préférable, l'individu à extraditer sera conduit au port que désignera l'Agent Diplomatique ou Consulaire accrédité par le Gouvernement réclamant aux frais duquel il sera embarqué.

VIII. La présente Convention ne sera exécutoire que 10 jours après sa publication dans les formes prescrites par les lois des deux pays.

IX. La présente Convention continuera à être en vigueur jusqu'à l'expiration de 6 mois après déclaration contraire de la part de l'un des deux Gouvernements.

Elle sera ratifiée et les ratifications en seront échangées dans le délai de 6 semaines ou plus tôt, si faire se peut.

En foi de quoi, les deux Plénipotentiaires l'ont signée et y ont apposé le sceau de leurs armes.

Fait à Vienne, ce 16 Juillet, 1853.

(L.S.) COMTE O'SULLIVAN DE GRASS.

(L.S.) BUOL-SCHAUENSTEIN.

*CONVENTION d'Extradition conclue entre la Belgique et le Portugal.—Signée à Lisbonne, le 26 Juin, 1854.*

Sa Majesté le Roi des Belges et Sa Majesté le Roi Régent de Portugal et des Algarves désirant, de commun accord, conclure une Convention pour l'extradition réciproque d'accusés et de malfaiteurs, ont muni, à cet effet, de leurs pleins pouvoirs, savoir :

Sa Majesté le Roi des Belges, le Sieur Henri Carolus, Chevalier de son Ordre, Commandeur de l'Ordre de la Légion d'Honneur et de l'Ordre de Charles III d'Espagne, Chevalier de l'Ordre de la Branche Ernestine de la Maison de Saxe, des Ordres du Mérite de la Saxe Royale, d'Henri le Lion, d'Albert d'Anhalt, Ministre Résident près de Sa Majesté le Roi Régent de Portugal et des Algarves, &c, et

Sa Majesté le Roi Régent de Portugal et des Algarves, au nom du Roi, le Sieur Antonio Aluizio Jervis d'Athoguia, Vicomte d'Athoguia, Pair du Royaume, Commandeur de l'ancien et très-noble Ordre de la Tour et de l'Epée, de la Valeur, de la Loyauté et du Mérite, et de l'Ordre de Notre-Dame de la Conception de Villa Viciosa, Grand-Cordon de l'Ordre de Léopold de Belgique, Grand-

Croix de l'Ordre Impérial de la Légion d'Honneur de France, de Saint-Maurice et Saint-Lazare de Sardaigne, Commandeur de l'Ordre Militaire de Saint Ferdinand d'Espagne, Ministre et Secrétaire d'Etat des Affaires Etrangères et de la Marine et des Colonies, &c.

Lesquels, après s'être mutuellement communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Les Gouvernements de Sa Majesté le Roi des Belges et de Sa Majesté le Roi Régent de Portugal et des Algarves s'engagent à se livrer réciproquement, à l'exception de leurs nationaux, les individus réfugiés de Belgique en Portugal et de Portugal en Belgique, mis en accusation ou condamnés par les tribunaux de celui des deux pays où les faits auront été commis, pour l'un des crimes ou délits ci-après énumérés, savoir :

1°. Assassinat, empoisonnement, parricide, infanticide, meurtre, viol ;

2°. Incendie volontaire ;

3°. Faux en écriture, y compris la contrefaçon de billets de banque et effets publics ;

4°. Fausse monnaie ;

5°. Faux témoignage ;

6°. Vol, escroquerie, concussion, soustraction commise par des dépositaires publics ;

7°. Banqueroute frauduleuse.

La réclamation ne pourra émaner que du Gouvernement du pays par lequel l'extradition est demandée.

II. Chacun des Gouvernements Contractants entend néanmoins se réserver le droit de ne pas consentir à l'extradition dans quelques cas spéciaux et extraordinaires, entrant dans la catégorie des faits prévus par l'Article précédent.

Il sera donné connaissance des motifs du refus au Gouvernement qui réclame l'extradition.

III. Si l'individu réclamé est poursuivi ou se trouve détenu pour un crime ou délit commis dans le pays où il s'est réfugié, son extradition pourra être différée jusqu'à ce qu'il ait subi sa peine ou qu'il ait été acquitté par une sentence définitive.

IV. L'extradition ne sera accordée que par la voie diplomatique et sur la production, en original ou en expédition authentique, d'un arrêt de condamnation ou de mise en accusation, délivré dans les formes prescrites par la législation du Gouvernement réclamant, et accompagné d'un exposé des circonstances du crime ou du délit.

V. L'étranger réclamé pourra être arrêté provisoirement dans chacun des deux pays pour l'un des faits mentionnés à l'Article I, sur l'exhibition d'un mandat d'arrêt décerné par l'autorité com-



pétente et expédié dans les formes judiciaires prescrites par les lois du Gouvernement réclamant.

Cette arrestation aura lieu dans les formes et suivant les règles prescrites par la législation du Gouvernement auquel elle est demandée.

L'étranger arrêté provisoirement sera mis en liberté, s'il ne reçoit notification d'un arrêt de condamnation ou de mise en accusation dans le terme de 3 mois, après que l'arrestation a eu lieu.

VI. L'extradition ne pourra avoir lieu si, depuis les faits imputés, les poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise d'après les lois du pays dans lequel l'étranger se trouve.

VII. Les individus dont l'extradition aura été accordée seront conduits au port que désignera l'agent diplomatique ou le Consul accrédité par le Gouvernement réclamant.

Ils seront embarqués par les soins de cet agent et aux frais du Gouvernement qui a obtenu l'extradition.

Par contre, les frais encourus pour l'arrestation, la détention et le transfert des individus réclamés, resteront à la charge du Gouvernement sur le territoire duquel ces mesures auront été prises.

VIII. Il est expressément stipulé que, dans aucun cas, l'individu dont l'extradition aura été accordée ne pourra être poursuivi et puni dans le pays réclamant, pour aucun délit politique antérieur à l'extradition, ni pour aucun fait connexe à un semblable délit, ni pour aucun des crimes ou délits non prévus par la présente Convention.

IX. La présente Convention ne sera exécutoire que 10 jours après que la publication de son contenu aura été faite dans le journal officiel des deux pays.

X. La présente Convention continuera à être en vigueur jusqu'à l'expiration de 6 mois après déclaration contraire de la part de l'un des deux Gouvernements contractants; elle sera ratifiée, et les ratifications en seront échangées aussitôt que faire se pourra.

En foi de quoi, nous, Plénipotentiaires de Sa Majesté le Roi des Belges et de Sa Majesté le Roi Régent de Portugal et des Algarves avons signé la présente Convention et y avons apposé le sceau de nos armes.

Fait à Lisbonne, le 26 Juin, 1854.

(L.S.) H. CAROLUS.

(L.S.) VICOMTE D'ATHOGUIA.

#### DECLARATION.

Les Hautes Parties Contractantes ayant jugé convenable d'échanger une déclaration concernant une stipulation qui ne se

trouve pas dans la Convention d'Extradition du 26 Juin, 1854, sont convenues de ce qui suit ;

Lorsqu'un individu réclamé par l'un ou l'autre Gouvernement se trouvera détenu pour dettes, en vertu d'une condamnation antérieure à sa demande d'extradition, son extradition sera ajournée jusqu'à la levée de son écrou.

La présente déclaration aura force et valeur comme si elle était insérée dans la Convention du 26 Juin, 1854.

Signée, à Lisbonne, le 29 Septembre, 1854.

(L.S.) H. CAROLUS.

(L.S.) VICOMTE D'ATHOGLIA.

*CONVENTION ADDITIONNELLE à celle du 16 Juillet, 1853,\* entre la Belgique et l'Autriche, pour l'Extradition Réciproque des Malfaiteurs.—Signée à Bruxelles, le 18 Mars, 1857.*

[Ratifications échangées à Bruxelles, le 24 Avril, 1857.]

SA Majesté le Roi des Belges et Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, ayant jugé utile d'arrêter sur la base d'une stricte réciprocité une Convention Additionnelle à celle conclue entre la Belgique et l'Autriche, le 16 Juillet, 1853, pour l'extradition réciproque des malfaiteurs, ont, à cet effet, muni de leurs pleins pouvoirs, savoir :

Sa Majesté le Roi des Belges, le Vicomte Charles Vilain XIV, son Ministre des Affaires Etrangères, Membre de la Chambre des Représentants, Officier de l'Ordre de Léopold, décoré de la Croix de Fer, Chevalier Grand-Croix de l'Ordre de Saint Janvier des Deux Siciles, Grand-Croix de l'Ordre de Notre-Dame de la Conception de Villa Viçosa, de l'Ordre des Saints Maurice et Lazare, décoré de l'Ordre Impérial du Medjidié de première classe, Grand-Croix de l'Ordre Impérial de l'Aigle Blanc, de l'Ordre de l'Etoile Polaire, de l'Ordre de Saint Joseph, &c. ;

Et Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, le Baron Maximilien de Vrints de Treuenfeld, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Belges, Commandeur de l'Ordre Impérial de Léopold, Chevalier Honoraire de l'Ordre de Saint Jean de Jérusalem, Grand-Croix de l'Ordre de Léopold de Belgique, de Sainte Anne de Russie et de Danebrog, Chambellan de Sa Majesté Impériale et Royale Apostolique ;

deux Etats, aussitôt après l'échange  
lieu dans le délai de deux mois, ou pl  
sera mise en vigueur 10 jours après cel

III. La présente Convention aura  
16 Juillet, 1853, à laquelle elle se rapp  
seront oeusées dénoncées simultanément  
de l'une d'elles.

En foi de quoi les Plénipotentis  
précédents Articles et y ont apposé le

Fait à Bruxelles, le 18ème jour du

(L.S.) VTE. VILAIN XI

(L.S.) MAX. BARON DE

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**CONVENTION d'Extradition entre  
Duché de Toscane.— Signée à Br**

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[Ratifications échangées à Bruxell

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SA Majesté le Roi des Belges et son  
l'Archiduc Grand-Duc de Toscane, ay  
pression des crimes commis dans leurs  
auteurs ou complices voudraient écha  
par la loi en se réfugiant d'un pays  
conclues une Convention d'Extradition

Chevalier de l'Ordre Militaire de Saint Etienne, Pape et Martyr, Commandeur de l'Ordre du Mérite, sous le titre de Saint Joseph, Commandeur de l'Ordre de Léopold de Belgique et de l'Ordre Militaire des Saints Maurice et Lazare de Sardaigne ; Commandeur de nombre Extraordinaire de l'Ordre Royal et Distingué de Charles III d'Espagne, Commandeur de l'Ordre d'Albert le Valeureux de Saxe, Chevalier de l'Ordre Pontifical de Saint Grégoire-le-Grand, Officier de la Légion d'Honneur de France, Chargé d'Affaires de Toscane près les Gouvernements de la France, de la Grande Bretagne, et de la Belgique ;

Lesquels, après s'être communiqué lesdits pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Les Gouvernements Belge et Toscan s'engagent par la présente Convention à se livrer réciproquement, à l'exception de leurs nationaux, les individus réfugiés de Belgique en Toscane ou de Toscane en Belgique, et mis en accusation ou condamnés pour l'un des crimes ci-après énumérés, par les tribunaux de celui des deux pays où le crime aura été commis, savoir :

1°. Assassinat, empoisonnement, parricide, infanticide, et homicide commis volontairement et hors du cas de légitime défense ;

2°. Viol ;

3°. Incendie volontaire ;

4°. Faux en écriture authentique ou de commerce et en écriture privée, y compris la contrefaçon des billets de banque et effets publics, mais non compris les faux certificats, faux passeports et autres faux qui, d'après la législation des deux pays, sont punis d'une peine moindre que celle de la reclusion (*casa di forza*) ;

5°. Fabrication, émission de fausse monnaie ;

6°. Faux témoignage ;

7°. Vol, lorsqu'il a été accompagné de circonstances qui entraînent, d'après la législation des deux pays, l'application au moins de la peine de reclusion (*casa di forza*) ;

8°. Soustractions commises par les dépositaires publics, mais seulement dans le cas où, suivant la législation des deux Etats, elles sont punies au moins de la peine de reclusion (*casa di forza*) ;

9°. Banqueroute frauduleuse.

II. L'extradition aura lieu sur la demande que l'un des Gouvernements en adressera à l'autre par voie diplomatique, et ne sera accordée que sur la production de l'arrêt de condamnation ou de l'arrêt de la chambre des mises en accusation en original ou en expédition authentique.

III. L'étranger pourra être arrêté provisoirement dans les deux pays sur l'exhibition d'un mandat d'arrêt décerné par l'autorité étrangère compétente pour l'un des faits mentionnés à

**l'Article I.** Cette arrestation aura lieu dans les formes et suivant les règles prescrites par la législation de chacun des deux pays. L'étranger arrêté sera mis en liberté si, dans les 3 mois, il ne reçoit notification d'un arrêt de mise en accusation ou de condamnation.

**IV.** Il est expressément stipulé que l'individu dont l'extradition aura été accordée ne pourra, dans aucun cas, être poursuivi ou puni pour aucun délit politique antérieur à l'extradition, ni pour un fait connexe à un semblable délit, ni pour aucun des crimes ou délits non prévus par la présente Convention.

Ne sera pas réputé délit politique, ni fait connexe à un semblable délit, l'attentat contre la personne du Chef d'un Gouvernement étranger ou contre celle des membres de sa famille, lorsque cet attentat constitue le fait soit de meurtre, soit d'assassinat, soit d'empoisonnement.

**V.** L'extradition ne pourra avoir lieu si, depuis les faits imputés, les poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise d'après les lois du pays ou l'étranger se trouve.

**VI.** Si l'individu dont l'extradition est demandée était poursuivi dans le pays où il s'est réfugié pour crimes ou délits commis dans ce même pays, il ne pourra être livré qu'après avoir été acquitté par une sentence définitive, ou après avoir subi la peine prononcée contre lui.

Il en sera de même lorsque l'individu réclamé est détenu pour dettes en vertu d'une condamnation antérieure à l'époque à laquelle son extradition pourrait être effectuée.

**VII.** Les frais d'arrestation, de détention et de transport du prévenu resteront à la charge de chacun des deux Etats dans les limites de leurs territoires respectifs. Les frais de transport et autres sur le territoire des Etats intermédiaires seront supportés par celui des deux Etats qui aura requis l'extradition. Au cas où le transport par mer serait jugé préférable, le prévenu sera conduit au port que désignera l'Agent Diplomatique ou Consulaire accrédité par le Gouvernement réclamant, aux frais duquel il sera embarqué.

**VIII.** La présente Convention ne sera exécutoire que 10 jours après sa publication, dans les formes prescrites par les lois de chacun des deux pays.

**IX.** La présente Convention est conclue pour 5 ans, et continuera d'être en vigueur pendant 5 autres années, dans le cas où, 6 mois avant l'expiration du premier terme, aucun des deux Gouvernements n'aurait déclaré y renoncer, et ainsi de suite 5 en 5 ans.

Elle sera ratifiée et les ratifications en seront échangées dans l'espace de 6 semaines, ou plus tôt, s'il est possible.

En foi de quoi, les Plénipotentiaires susdits l'ont signée et y ont apposé le cachet de leurs armes.

Fait à Bruxelles, le 4 Août, 1857.

(L.S.) VTE. VILAIN XIV.

(L.S.) MARQUIS TANAY DE NERLI.

*CONVENTION d'Extradition conclue entre la Belgique et le Pays-Bas.—Signée à Bruxelles, 13 Octobre, 1862.*

[Ratifications échangées à Bruxelles, le 14 Novembre, 1862.]

SA Majesté le Roi des Belges et Sa Majesté le Roi des Pays-Bas, ayant jugé utile de modifier sur certains points, conformément aux législations respectives, les Conventions conclues entre les deux pays par rapport à l'extradition des malfaiteurs et de réunir en un seul acte international les dispositions nouvelles et celles des Conventions du 28 Octobre, 1843,\* et du 3 Septembre, 1855,† qui restent en vigueur, ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges, le Sieur Charles Rogier, Grand Officier de son Ordre de Léopold, Grand-Croix de l'Ordre de la Branche Ernestine de la Maison de Saxe, &c., Membre de la Chambre des Représentants, son Ministre des Affaires Etrangères ; et

Sa Majesté le Roi des Pays-Bas, le Baron Gericke d'Herwynen, Commandeur de l'Ordre du Lion Néerlandais, Chevalier Grand-Croix de l'Ordre de la Couronne de Chêne, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Belges ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Le Gouvernement Belge et le Gouvernement des Pays-Bas s'engagent à se livrer réciproquement, suivant les règles déterminées par les Articles suivants, à l'exception de leurs nationaux, les individus condamnés ou poursuivis à raison d'un des crimes ou délits ci-après énumérés, par les tribunaux de celui des deux pays où le crime ou le délit a été commis :

1°. Assassinat, empoisonnement, parricide, infanticide, meurtre, viol ;

2°. Incendie ;

3°. Faux en écriture, y compris la contrefaçon de billets de banque, de papier-monnaie et d'effets publics ;

\* Vol. XXXV. Page 1286.

† Page 1281.

La législation des Pays-Bas interviendra pour les étrangers assimilés aux Néerlandais conformément à l'Article I, Civil et de ceux qui se sont établis dans les Pays-Bas, qui sont ou ont été mariés à une femme ou ont eu un enfant ou des enfants nés dans les Pays-Bas. Le Gouvernement Belge, de son côté, se réserve la faculté de l'extradition des étrangers qui sera d'application analogue en Belgique.

II. Les individus condamnés ou poursuivis par l'un ou l'autre des deux Etats, qui aura réclamé leur extradition, ils appartiennent et qui sera informé par le Gouvernement auquel celles-ci s'opposera pas à leur extradition.

III. L'étranger dont l'extradition est faite mentionnée à l'Article I, pourra être extradité par l'un ou l'autre des deux pays, d'après les formes des législations respectives.

IV. L'extradition n'aura pas lieu

1°. Lorsque la demande en extradition est faite pour un délit pour lequel l'individu réclamé ou dont il a été acquitté ou absous de la demande ;

2°. Si la prescription de l'action est prescrite d'après les lois du pays auquel l'extradition est demandée.

V. Si l'individu réclamé est poursuivi pour un autre crime ou délit, commis en



tradition aura été accordée, ne pourra, dans aucun cas, être poursuivi ou puni pour aucun délit politique antérieur à l'extradition, ni pour aucun fait connexe à un semblable délit, ni pour aucun des crimes ou délits non prévus par la présente Convention.

Ne sera pas réputé délit politique ou fait connexe à un semblable délit, l'attentat contre la personne du chef d'un Gouvernement Etranger ou contre celle des membres de sa famille, lorsque cet attentat constituera le fait soit de meurtre, soit d'assassinat, soit d'empoisonnement.

VII. L'extradition sera demandée par la voie diplomatique et ne sera accordée que sur la production de l'original ou d'une expédition authentique du jugement ou de l'arrêt de condamnation ou de mise en accusation, délivré dans les formes prescrites par la législation du pays qui fait la demande et indiquant le crime ou le délit dont il s'agit et la disposition pénale qui lui est applicable.

Du côté des Pays-Bas, l'extradition pourra être accordée en outre sur la production d'un mandat d'arrêt délivré en original ou en copie, dans les formes et avec les indications déterminées par la stipulation précédente.

VIII. Les objets saisis en la possession de l'individu réclamé, seront, si l'autorité compétente de l'Etat requis en a ordonné la remise, livrés au moment où s'effectuera l'extradition.

IX. Les Gouvernements respectifs renoncent, de part et d'autre, à toute réclamation par rapport à la restitution des frais d'entretien, de transport et autres qui pourraient résulter de l'extradition des prévenus, accusés ou condamnés.

X. La présente Convention ne sera exécutoire qu'à dater du 20<sup>me</sup> jour après sa promulgation dans les formes prescrites par les lois des deux pays.

A partir de sa mise à exécution, les Conventions du 8 Octobre, 1843 et du 3 Septembre, 1855, cesseront d'être en vigueur et seront remplacées par la présente Convention, laquelle continuera à sortir ses effets jusqu'à 6 mois après déclaration contraire de la part de l'un des deux Gouvernements.

Elle sera ratifiée et les ratifications en seront échangées dans le délai de 6 semaines ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé leur cachet.

Fait, en double original, à Bruxelles, le 3<sup>me</sup> jour du mois d'Octobre, 1862.

(L.S.) CH. ROGIER.

(L.S.) L. GERICKE.

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a fait preuve à l'occasion des dern  
aux idées conservatrices, le peuple  
apprécie ses véritables intérêts dans

Mes relations avec les Puissance  
Grèce continue à jouir des sympathi  
palement des Grandes Puissances qu  
sympathies, qui ont tant contribué à  
nomie, doivent servir également ex  
progrès.

Mon Gouvernement pénétré  
s'occupe, avec persévérance, de l'accro  
du pays, par le développement des  
par l'amélioration des diverses bran  
par le règlement de notre état finan  
public et de satisfaire aux divers bes

Divers projets de loi important  
seront soumis à vos délibérations.

Le budget n'ayant pas été disc  
nière par le Sénat, vous aurez à  
actuelle, de la discussion et du vot  
années consécutives. Nous entron  
tandis que mon Gouvernement s'éta  
par la chambre, a pourvu, à la fois,  
sécurité, des intérêts publics et au m

Je ne doute point, Messieurs,  
patriotisme vous inspireront des s  
stances actuelles : que vous aiderez a

*DISCOURS du Roi des Pays-Bas, à l'Ouverture de la Session Législative.—La Haye, 16 Septembre, 1861.*

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MESSIEURS,

Grâce à la Providence, j'ai le bonheur de pouvoir, encore cette année, à l'ouverture de la session législative, vous faire des communications favorables relativement à la situation du Pays. Si, malheureusement, quelques provinces du Royaume, ont eu à souffrir des inondations par suite des débâcles désastreuses de nos rivières, et si la détresse a été extrême, l'esprit philanthropique qui caractérise le peuple Néerlandais et les vives sympathies qui se sont manifestées, tant en Europe que dans d'autres parties du monde, ont adouci bien des maux et contribué puissamment à nous aider à réparer de si grandes calamités. J'attache le plus haut prix à ces témoignages éminents d'humanité, et je considère comme un devoir impérieux de le répéter ici publiquement.

Il m'est agréable de pouvoir vous annoncer, que les relations des Pays-Bas avec les autres Puissances continuent à être sur le pied le plus satisfaisant. Une Convention vient d'être arrêtée avec la Belgique qui doit régler, d'une manière équitable, la question de la dérivation des eaux de la Meuse. Dans notre pays aussi on cherche à favoriser les relations internationales par la suppression de formalités gênantes.

Je me félicite de ce que l'armée de terre et de mer continue à se distinguer par un esprit excellent et qu'elle déploie un zèle louable pour répondre dignement à son importante mission. On veille avec sollicitude à l'emploi des moyens que vous avez alloués pour augmenter la défense du pays. Depuis que la loi sur la milice nationale a été promulguée, on s'occupe activement de l'élaboration de la loi sur la garde communale.

La situation de nos possessions d'outre-mer est généralement favorable. Quelques contrées ont été aussi éprouvées par de grandes calamités. On a eu à y déplorer la perte de beaucoup de monde. A cette occasion on a pu se convaincre de nouveau, combien la Néerlande et ses colonies sont étroitement unies par le lien de sympathies mutuelles. Il est à regretter que le soulèvement dans les parties du Sud et de l'Est de Bornéo ne soit pas encore comprimé et qu'il continue à exiger un déploiement de forces. Mais, si je considère les nouvelles preuves de valeur et de fidélité que nous a données notre armée de terre et de mer, il m'est permis d'entrevoir l'avenir avec confiance.

Pour les Indes-Occidentales l'abolition de l'esclavage reste une question de haute importance ; un projet de loi à cet égard sera incessamment soumis à vos délibérations. Il vous sera aussi présenté d'autres projets de loi concernant les colonies.

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Quant aux affaires intérieures, elles ne présentent pas, sous bien des rapports, un aspect moins satisfaisant.

Bien que les chantiers n'aient pas repris leur ancienne activité, le nombre des navires sur mer n'a pas diminué. La navigation se maintient à la même hauteur. Malgré l'influence défavorable des complications aux Etats-Unis d'Amérique sur les affaires commerciales en général, les importations, les exportations et le transit n'augmentent pas moins constamment.

Les projets de loi sur le service médical sont prêts et vous seront bientôt présentés.

A l'exception d'une seule substance alimentaire de première nécessité pour le peuple, la récolte offre d'assez bons résultats.

Les considérations sur la question importante du rachat des dîmes a donné lieu à l'élaboration d'un projet de loi, qui vous sera présenté incessamment.

Les arts et les sciences continuent à fleurir. L'exposition d'industrie nationale, qui vient d'avoir lieu dans la province de la Hollande Septentrionale, a fourni des preuves évidentes des progrès de l'industrie.

L'application de la loi sur l'instruction primaire donne des résultats favorables.

On prépare en ce moment le projet de loi qui doit régler l'enseignement moyen.

Il m'est agréable d'avoir à vous communiquer que les nombreux travaux préparatoires, pour l'établissement d'un réseau de chemins de fer, sont assez avancés, pour que l'exécution n'en subisse plus d'ajournement. La direction de la majeure partie des lignes est déjà arrêtée. On procédera bientôt à l'exécution de quelques travaux d'Art. Tout nous fait entrevoir, qu'à moins d'entraves inattendues, une partie considérable de ces travaux sera achevée dans le cours de l'année prochaine.

Les dernières ruptures de digues doivent entraîner des dépenses extraordinaires. Il vous sera fait des propositions, tant au sujet des frais de réparation qu'en ce qui concerne les subsides à allouer aux districts y intéressés.

Je veille avec sollicitude à l'exécution des prescriptions de la loi fondamentale relativement aux rapports entre l'Eglise et l'Etat. Il vous sera présenté un projet de loi sur la suppression du droit de collation de l'Etat dans l'Eglise réformée, ainsi qu'un projet de loi sur les pensions des ministres de culte.

On prépare des projets de loi pour la mise à exécution de la nouvelle organisation judiciaire et en premier lieu le nouveau Code d'Instruction criminelle et le projet de répartition judiciaire du Royaume. Toutefois, l'époque de la mise en vigueur de la nouvelle

organisation judiciaire, qui n'a été votée que le mois de Mai dernier par la Législature, devra être fixée ultérieurement.

La situation des finances de l'Etat continue à être favorable. Tandis qu'ailleurs les circonstances ont nécessité des emprunts, nous avons pu continuer l'amortissement de la dette.

Le produit des voies et moyens est satisfaisant.

Il vous sera présenté incessamment un projet de loi sur l'administration des domaines de la Couronne.

Vous aurez à délibérer aussi sur un nouveau projet de loi relatif des droits d'entrée et de sortie.

Une tâche importante vous attend. Soyons tous pénétrés d'une seule et même pensée : favoriser les véritables intérêts de notre patrie.

Puissent vos délibérations s'accomplir sous les bénédictions du Tout-Puissant !

Je déclare ouverte la session ordinaire des Etats-Généraux.

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*DETAILED REGULATIONS arranged between the Post Office of Great Britain and the Post Office of France, for the execution of the Postal Convention of 24th September, 1856.\**

*Signed at* Paris, October 27, 1856.†  
London, November 12,

THE Postmaster-General of the United Kingdom of Great Britain and Ireland on the one part,

And the Director-General of the French Post Office on the other part,

With reference to Articles XXXI and XXXVI of the Postal Convention concluded between Great Britain and France, the 24th September, 1856,

Have agreed as follows :

ART. I. The exchange of correspondence between the Post Office of France and the Post Office of Great Britain shall be effected as follows :

ON THE PART OF THE POST OFFICE OF FRANCE.

*On the Channel.*

1. By the travelling office from Paris to Calais.
2. By the office at Boulogne-sur-Mer.
3. By the office at Calais.
4. By the office at Cherbourg.
5. By the office at Dieppe.
6. By the office at Dunkirk.

\* Vol. XLVI. Page 195.

† Signed also in the French language.

2. By the Office at Marseilles.

3. By the French office established

4. By the French office established

5. By the French office established

6. By the French office established

7. By the Post Office agents on board the ships touching at Malta.

#### ON THE PART OF THE POST OFFICE

##### *On the Channel*

1. By the office at London.

2. By the office at Dover.

3. By the office at Folkestone.

4. By the office at Guernsey.

5. By the office at Jersey.

6. By the office at Southampton.

##### *On the Mediterranean*

1. By the office at Malta.

2. By the British office established

II. The relations between the French and the Post Office agents on board the ships touching at the Mediterranean, on the one part, and the British agents on the other part, shall be established as follows, namely:

##### *On the Channel*

Dover; and with the office at Folkestone by means of the private steamers plying between Boulogne-sur-Mer and Folkestone.

3. The office at Calais shall correspond with the offices at London and Dover by means of the mail packets established between Calais and Dover, in accordance with Article I of the Convention of 24th September, 1856. It shall further correspond with the office at London by means of the private steamers plying between Calais and London, and with the office at Dover by means of the private steamers plying between Calais and Dover.

4. The office at Cherbourg shall correspond with the offices at Guernsey and Jersey by means of the private ships plying between Cherbourg and the islands of Guernsey and Jersey.

5. The office at Dieppe shall correspond with the office at London by means of the private steamers plying between Dieppe and Newhaven.

6. The office at Dunkirk shall correspond with the office at London by means of the private steamers plying between Dunkirk and London.

7. The office at Granville shall correspond with the offices at Guernsey and Jersey by means of the private ships plying between Granville and the islands of Guernsey and Jersey.

8. The office at Havre shall correspond with the office at London by means of the private steamers plying between Havre and London; and with the office at Southampton by means of the private steamers plying between Havre and Southampton.

9. The office at Morlaix shall correspond with the office at Southampton by means of the private steamers plying between Morlaix and Southampton.

10. The office at St. Malo shall correspond with the offices at Guernsey and Jersey by means of the private ships plying between St. Malo and the islands of Guernsey and Jersey.

11. The office at Marseilles shall despatch mails to the office at Dover by means of the services employed for the conveyance between Marseilles and Dover of the mails from India to Great Britain, but without reciprocity on the part of the Dover office.

*On the Mediterranean.*

1. The travelling office from Lyons to Marseilles shall correspond with the office at Malta by means both of the French mail packets and of the British mail packets plying between Marseilles and Malta; and with the British Office at Alexandria by means of the British mail packets plying between Marseilles and Alexandria.

2. The office at Marseilles shall correspond with the office at Malta by means both of the French mail packets and of the



British mail packets plying between Marseilles and Malta, and with the British office at Alexandria by means of the British mail packets plying between Marseilles and Alexandria.

3. The French office established at Alexandria shall correspond with the British office established in the same city; it shall correspond also with the office at Malta by means of the French mail packets plying in the Mediterranean.

4. The French office established at Constantinople shall correspond with the office at Malta by means of the French mail packets.

5. The French office established at the Dardanelles shall correspond with the office at Malta by means of the French mail packets.

6. The French office established at Smyrna shall correspond with the office at Malta by means of the French mail packets.

7. The Post Office agents on board the French mail packets touching at Malta shall correspond with the office at Malta.

III. The mails from the travelling office from Paris to Calais for the office at London shall comprise the correspondence of every kind originating either in France (Boulogne-sur-Mer, Bourbourg, Calais, Dèsvres, Gravelines, Guines-en-Calais, Marquise, Samer, and St. Pierre les Calais excepted,) or in the countries the correspondence of which is transmitted through France addressed to the countries enumerated in Table A, annexed to the present regulations.

Reciprocally, the mails from the office at London for the travelling office from Calais to Paris shall comprise the correspondence of every kind originating in the countries enumerated in Table A, above mentioned, addressed either to France (Boulogne-sur-Mer, Bourbourg, Calais, Dèsvres, Gravelines, Guines-en-Calais, Marquise, Samer, and St. Pierre les Calais excepted,) or to the countries the correspondence of which is transmitted through France.

IV. The mails from the travelling office from Paris to Calais for the office at Dover shall comprise the correspondence of every kind originating either in France (Boulogne-sur-Mer, Bourbourg, Calais, Dèsvres, Gravelines, Guines-en-Calais, Marquise, Samer, and St. Pierre les Calais excepted,) or in the countries the correspondence of which is transmitted through France addressed to the towns in England enumerated in Table B, annexed to the present regulations.

Reciprocally, the mails from the office at Dover for the travelling office from Calais to Paris shall comprise the correspondence of every kind originating in the towns in England enumerated in Table B, annexed to the present regulations, addressed either to France (Boulogne-sur-Mer, Bourbourg, Calais, Dèsvres, Gravelines, Guines-en-Calais, Marquise, Samer, and St. Pierre les Calais ex-

cepted,) or to the countries the correspondence of which is transmitted through France.

V. The mails which the office at Boulogne-sur-Mer shall forward to the office at London by means of the mail packets leaving Calais for Dover shall comprise the correspondence of every kind dispatched from Boulogne-sur-Mer addressed to the countries enumerated in Table A, annexed to the present regulations.

Reciprocally, the mails which the office at London shall forward to the office at Boulogne-sur-Mer by means of the mail packets leaving Dover for Calais shall comprise the correspondence of every kind despatched from the countries enumerated in Table A, annexed to the present regulations addressed to Boulogne-sur-Mer.

VI. The mails which the office at Boulogne-sur-Mer shall forward to the office at Dover by means of the mail packets leaving Calais for Dover shall comprise the correspondence of every kind dispatched from Boulogne-sur-Mer addressed to the towns in England enumerated in Table B, annexed to the present regulations.

Reciprocally, the mails which the office at Dover shall forward to the office at Boulogne-sur-Mer by means of the mail packets leaving Dover for Calais shall comprise the correspondence of every kind dispatched from the towns enumerated in Table B, annexed to the present regulations, addressed to Boulogne-sur-Mer.

VII. The mails which the office at Calais shall forward to the office at London by means of the mail packets leaving Calais for Dover shall comprise the correspondence of every kind dispatched from Calais, Bourbourg, Dèsvres, Gravelines, Guines-en-Calais, Marquise, Samer, and St. Pierre les Calais addressed to the countries enumerated in Table A, annexed to the present regulations.

Reciprocally, the mails which the office at London shall forward to the office at Calais by means of the mail packets leaving Dover for Calais, shall comprise the correspondence of every kind dispatched from the countries enumerated in Table A, annexed to the present regulations, addressed to Calais, Bourbourg, Dèsvres, Gravelines, Guines-en-Calais, Marquise, Samer, and St. Pierre les Calais.

VIII. The mails which the office at Calais shall forward to the office at Dover by means of the mail packets leaving Calais for Dover shall comprise the correspondence of every kind dispatched from Calais, Bourbourg, Dèsvres, Gravelines, Guines-en-Calais, Marquise, Samer, and St. Pierre les Calais addressed to the towns in England enumerated in Table B, annexed to the present regulations.

Reciprocally, the mails which the office at Dover shall forward

to the office at Calais by means of the mail packets leaving Dover for Calais, shall comprise the correspondence of every kind dispatched from the towns enumerated in Table B, annexed to the present regulations, addressed to Calais, Bourbourg, Dèsvres, Gravelines, Guines-en-Calais, Marquise, Samer, and St. Pierre les Calais.

IX. The mails which are exchanged, in virtue of Article II of the Convention of 24th September, 1856, and of Article II of the present regulations, by means of private ships, between the office at Boulogne and the offices at London, Dover, and Folkestone, between the office at Calais and the offices at London and Dover, between the office at Dieppe and the office at London, between the offices at Cherbourg, Granville, and St. Malo, and the offices at Guernsey and Jersey, between the office at Havre and the offices at London and Southampton, and lastly, between the office at Morlaix and the office at Southampton, shall only comprise the correspondence which the senders shall expressly desire to forward by means of those vessels.

X. The mails from the office at Marseilles for the office at Dover shall comprise the paid letters which the persons authorized to that effect by the two Post Offices of France and Great Britain may desire to send by the Indian mail service to the editors or agents of the English newspapers hereafter mentioned, viz.:

1. The Morning Advertiser.
2. The Morning Chronicle.
3. The Morning Herald.
4. The Morning Post.
5. The Public Ledger.
6. The Times.
7. The Commercial Daily List.
8. The Daily News.

XI. The correspondence of every kind exchanged between the Post Office of France and the British Post Office by means of the French or British mail packets plying in the Mediterranean, shall be forwarded according to Table C, annexed to the present regulations.

XII. In order to afford to the inhabitants of the ports of the two countries every facility for the despatch of letters by merchant vessels plying between France and Great Britain, a movable letter-box, provided with a lock, may, with the previous consent of the two offices, be placed on board each of these vessels, to receive such letters as the public may wish to deposit in it.

On the arrival of the vessel the movable box shall be carried to the postmaster, who shall open it, and take out the letters, and then return the box to the agent who brought it.

XIII. The regulations fixed by Article IV of the Convention

of 24th September, 1856, for the payment for the conveyance of letters comprised in the mails exchanged between the Post Office of France and the Post Office of Great Britain by means of merchant vessels, shall be applicable to the payment for the conveyance of letters taken out of the movable boxes described in the preceding Article.

XIV. The particulars of the account arising out of the transmission of the letters to which the provisions of the preceding Articles XII and XIII apply, shall be annexed as follows :

1. To the accounts opened between the Post Office of the port of disembarkation and the Post Office of the port of dispatch, if there exists an exchange of mails between those two offices.

2. And to the accounts of the office at Calais with the office at London, if the Post Office of the port of disembarkation is not itself an office of exchange in communication with the corresponding office.

In this last case a declaration of the number and weight of letters found in the movable box shall be made out, in duplicate, by the postmaster who shall have opened the box. The two copies shall be forwarded to the proper office of exchange, which shall transmit one copy to the corresponding foreign office of exchange, after having affixed its visâ to it, and shall annex the other copy, as a voucher, to the separate account in which the particulars proved by this declaration should be entered.

XV. The declarations which the postmasters at the ports of the two countries will have to furnish, in accordance with Article XIV preceding, shall be made out as follows :

1. By the postmasters of the French offices on a form similar to pattern D, annexed to the present regulations.

2. And by the postmasters of the British offices on a form similar to pattern E, also annexed to the present regulations.

XVI. The letters dispatched either from France and Algeria to Great Britain, or from Great Britain to France and Algeria, may be prepaid by the senders, by means of postage stamps in use in the country from which they are sent.

XVII. When the postage stamps affixed to a letter shall represent a sum less than that required for its prepayment at the rate of 40 centimes, or 4*d.* per seven grammes and a half, or fraction of seven grammes and a half, such letter shall be considered as unpaid, and charged as such, after deducting the value of those stamps.

Nevertheless, when in the sum represented by the postage stamps affixed to a letter there shall be a fraction of a decime, or of 1*d.*, no notice shall be taken of such fraction.

XVIII. The amount of the sums paid as well by the senders of

letters insufficiently prepaid by means of postage stamps as by the persons to whom those letters are addressed, shall be divided between the Post Office of France and the Post Office of Great Britain, conformably to Table F, annexed to the present regulations.

XIX. Ordinary letters dispatched in ordinary mails by way of France, either from the foreign countries enumerated in Table G, annexed to the present regulations, to the United Kingdom of Great Britain and Ireland, or from the United Kingdom of Great Britain and Ireland to those same foreign countries, shall be exchanged between the Post Office of France and the Post Office of Great Britain on the conditions set forth in the said Table.

XX. Ordinary letters dispatched in ordinary mails by way of France, either from the foreign countries enumerated in Table H, annexed to the present regulations, to the Island of Malta, or from the Island of Malta to those same foreign countries, shall be exchanged between the Post Office of France and the Post Office of Great Britain on the conditions set forth in the said Table.

XXI. Letters dispatched in ordinary mails through the British Post Office, either from the countries enumerated in Table I annexed to the present regulations, to France and Algeria, or from France and Algeria to those same countries, shall be exchanged between the Post Office of France and the Post Office of Great Britain on the conditions set forth in the said Table.

XXII. The Post Office of France may deliver to the British Post Office registered letters addressed to the United Kingdom of Great Britain and Ireland, the Island of Malta, Canada, New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland, and Jamaica.

On its side, the British Post Office may deliver to the Post Office of France registered letters addressed as well to France, Algeria, and the places in the Mediterranean where France maintains Post Offices, as to the foreign countries for which the inhabitants of Great Britain shall have the right of forwarding by way of France ordinary letters paid to destination.

XXIII. Newspapers and other printed papers dispatched in ordinary mails by way of France from the United Kingdom of Great Britain and Ireland to the foreign countries enumerated in Table J, annexed to the present regulations or from those same foreign countries to the United Kingdom of Great Britain and Ireland, shall be exchanged between the Post Office of France and the British Post Office on the conditions set forth in the said Table.

It is, nevertheless, understood that the Post Office of France shall have the right to deliver to the British Post Office, as paid to destination, newspapers and other printed papers which shall b

forwarded from the countries enumerated in Table J above mentioned, for the United Kingdom.

The rate to be paid by the Post Office of France to the British Post Office for such newspapers and other printed papers shall be the same as for printed papers originating in France.

XXIV. Newspapers and other printed papers dispatched in ordinary mails by way of France, either from the foreign countries enumerated in Table K, annexed to the present regulations to the Island of Malta, or from the Island of Malta to those same foreign countries, shall be exchanged between the Post Office of France and the British Post Office on the conditions set forth in the said Table.

XXV. Newspapers and other printed papers dispatched in ordinary mails through the British Post Office, either from France, Algeria, Alexandria, Jaffa, Beyrout, Tripoli in Syria, Lattakia, Alexandretta, Messina, Rhodes, Smyrna, Mitylene, the Dardanelles, Gallipoli, Constantinople, Greece, Italy, Switzerland, the several States of Germany, Belgium, the Netherlands, Denmark, the United Kingdoms of Sweden and Norway, Russia, Poland, the Danubian Provinces, and Turkey in Europe, to the English colonies and other countries beyond sea enumerated in Table L, annexed to the present regulations, or from those same colonies and countries beyond sea to France, Algeria, and those countries mentioned above, the correspondence of which is transmitted through France, shall be exchanged between the British Post Office and the Post Office of France on the conditions set forth in the said Table.

It is, nevertheless, understood that the Post Office of Great Britain shall have the right to deliver to the Post Office of France, as paid to destination, newspapers and other printed papers which shall be forwarded from the colonies and other countries beyond sea enumerated in Table L, above mentioned, for France and Algeria. The rate to be paid by the British Post Office to the Post Office of France for such newspapers and other printed papers shall be the same as for printed papers originating in the United Kingdom.

XXVI. To enjoy the reduced rates of postage allowed by Articles XXIII, XXIV, and XXV, preceding, the printed papers mentioned in the said Articles must be prepaid to the limits fixed by those Articles, must be sent in bands, and must not contain any writing, figure, or manual mark whatsoever. Printed papers which are not in conformity with these conditions shall be treated as letters, and charged accordingly.

The two Offices mutually engage to do all in their power to secure that the newspapers and other printed papers above mentioned may be prepaid to destination by the senders.

XXVII. In the event of the Conventions which govern the relations of France with the foreign countries enumerated in Table G, H, J, and K, annexed to the present regulations, being hereafter modified in such a manner as to affect the conditions of exchange fixed by those Tables for the correspondence transmitted in ordinary mails by way of France, those modifications shall be applied as a matter of right to the said correspondence upon the necessary proof being furnished by the Post Office of France to the Post Office of Great Britain.

XXVIII. When the writers of the letters which the Office of France and the British Office deliver to each other to be forwarded to the colonies and other countries beyond sea shall wish that those letters should be conveyed by merchant-ships leaving the ports of one of the two countries, such intention must be so expressed on the address.

In all cases where such direction is not given, letters for the colonies and other countries beyond sea shall be transmitted by means of the regular packets.

XXIX. Registered letters reciprocally transmitted in virtue of Article XVII of the Convention of 24th September, 1856, shall be marked on the side of the address with a stamp bearing in red ink the word "Chargé," or "Registered."

XXX. The correspondence of every kind originating in either of the two countries which shall be comprised in the respective mails of the French and British offices of exchange shall be marked by the office where it originated with a stamp indicating the date of posting.

XXXI. Letters found in the movable boxes on board merchant vessels plying between France and Great Britain shall be marked on the side of the address by the postmaster at the port of disembarkation with an octagon date stamp bearing in red ink, independently of the name of that office.

1. The characters *Angl. B. M.* (*Angleterre, Boîtes Mobiles*) when the letters have originated in Great Britain.

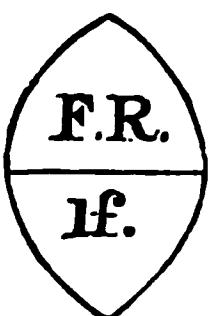
2. And the characters *France, M. B.* (*France, Movable Box*) when the letters have originated in France.

XXXII. Ordinary unpaid letters (with the exception of those originating in France and Algeria, in the French Post Offices established in the Levant and in Great Britain, and those forwarded from Malta for France, Algeria, and the French offices established in the Levant), and printed papers of every kind, charged with transit or sea rates, which shall be exchanged in ordinary mails between the Post Office of France and the Post Office of Great Britain, shall receive, in some conspicuous part of the address, the impression in black ink of a stamp intended to show the rate at which the dis-




patching office shall have delivered those letters and printed papers to the other office.

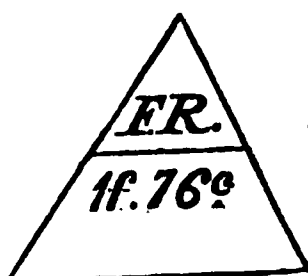
The Post Office of France apply, namely :

1. The stamp  for letters delivered to the British

office at the rate of 1 franc per ounce.

2. The stamp  for letters delivered to the British

office at the rate of 1 franc 45 centimes per ounce.

3. The stamp  for letters delivered to the British

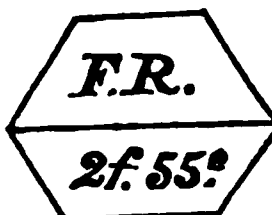
office at the rate of 1 franc 76 centimes per ounce.

4. The stamp  for letters delivered to the British

office at the rate of 1 franc 78 centimes per ounce.

5. The stamp  for letters delivered to the British

office at the rate of 2 francs 16 centimes per ounce.

6. The stamp  for letters delivered to the British

office at the rate of 2 francs 55 centimes per ounce.

7. The stamp  for letters delivered to the British

office at the rate of 2 francs 96 centimes per ounce.

8. The stamp  for letters delivered to the British

office at the rate of 3 francs 41 centimes per ounce.

9. The stamp



for letters delivered to the British

office at the rate of 3 francs 76 centimes per ounce.

10. The stamp



for letters delivered to the British

office at the rate of 5 francs 86 centimes per ounce.

11. The stamp



for letters delivered to the British

office at the rate of 5 francs 81 centimes per ounce.

12. The stamp



for printed papers

every kind delivered to the British office at the rate of 50 centimes per pound British.

13. The stamp



for printed papers

every kind delivered to the British office at the rate of 1 franc per pound British.

14. The stamp



for printed papers

every kind delivered to the British office at the rate of 1 franc 50 centimes per pound British.

On its side the Post Office of Great Britain shall apply namely

1. The stamp



for letters delivered to the office

France at the rate of 40 centimes per 30 grammes.

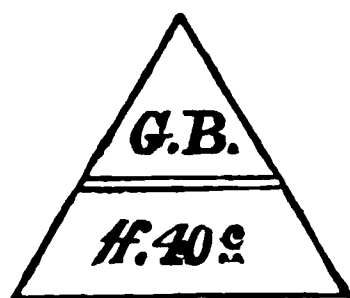
2. The stamp



for letters delivered to the office

France at the rate of 1 franc per 30 grammes.

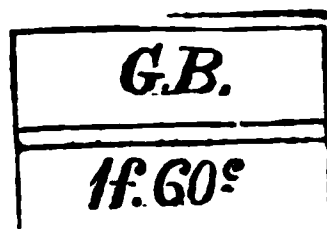
3. The stamp



for letters delivered to the c

of France at the rate of 1 franc 40 centimes per 30 grammes.

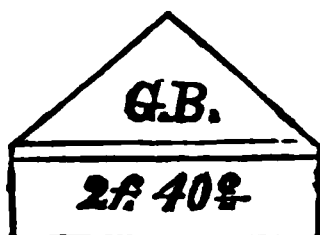
4. The stamp



for letters delivered to the c

of France at the rate of 1 franc 60 centimes per 30 grammes.

5. The stamp



for letters delivered to the c

of France at the rate of 2 francs 40 centimes per 30 grammes.

6. The stamp



for letters delivered to the c

of France at the rate of 2 francs 87  $\frac{5}{8}$  centimes per 30 grammes.

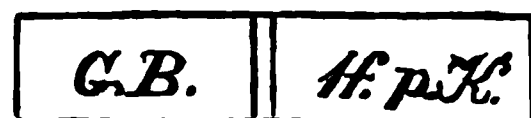
7. The stamp



for letters delivered to the c

of France at the rate of 3 francs 2 centimes per 30 grammes.

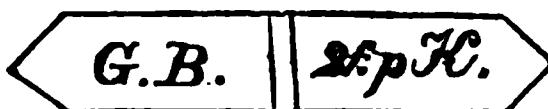
8. The stamp



for printed paper

every kind delivered to the office of France at the rate of 1 franc kilogramme.

9. The stamp



for printed paper

every kind delivered to the office of France at the rate of 2 francs per kilogramme.

10. And the stamp



for printed paper

of every kind delivered to the office of France at the rate of 4 francs 40 centimes per kilogramme.

XXXIII. The respective offices of exchange shall mark in nary figures on the left side of the address of letters insufficiently prepaid, which they forward to the corresponding offices of exchange the amount of the surcharges which the persons to whom the

letters are addressed will have to pay in virtue of Article XVII of the present regulations.

Those surcharges shall be marked in pence or decimes.

XXXIV. Ordinary letters, registered letters, and printed papers of every kind exchanged between the two Post Offices of France and Great Britain which shall have been paid to destination or for some part of the distance beyond the territory of the dispatching office, shall be marked in a conspicuous part of the address with an impression in red ink of a stamp intended to denote to the respective offices of exchange the extent of prepayment.

The stamp P.D. shall be impressed on ordinary or registered letters as well as on printed papers which shall be prepaid to destination.

The stamp P.P. shall be impressed on ordinary letters as well as on printed papers which shall be prepaid for some part of the distance beyond the territory of the dispatching office.

XXXV. Each of the mails exchanged between the Post Offices of the two countries either periodically or at irregular intervals shall be accompanied by a letter bill on which those offices shall state, under the classifications established by the Convention of 24th September, 1856, the nature, the number, and the weight of the articles which the mail contains. The office to which the mail shall be forwarded shall acknowledge its receipt to the dispatching office by return of post.

The letter bills and acknowledgments of receipt from the travelling offices from Paris to Calais for the offices at London and Dover, from the office at Boulogne for the office at London, from the office at Calais for the offices at London and Dover, from the office at Dieppe for the office at London, from the office at Dunkirk for the office at London, from the office at Havre for the offices at London and Southampton, and from the office at Morlaix for the office at Southampton, shall be according to the patterns M. No. 1 and M. No. 2 annexed to the present regulations.

The letter bills and acknowledgments of receipt from the office at Boulogne for the offices at Dover and Folkestone, from the office at Cherbourg, Granville, and St. Malo for the offices at Guernsey and Jersey, and from the office at Marseilles for the office at Dover shall be according to the pattern N.

The letter bills and acknowledgments of receipt from the travelling office from Lyons to Marseilles, and from the office at Marseilles for the office at Malta shall be according to pattern O.

The letter bills and acknowledgments of receipt from the traveling office from Lyons to Marseilles, from the office at Marseilles, and from the French office established at Alexandria for the British office at Alexandria shall be according to pattern P.

The letter bills and acknowledgments of receipt from the French offices established at Alexandria, Constantinople, the Dardanelles, and Smyrna for the office at Malta shall be according to pattern Q.

The letter bills and acknowledgments of receipt of the Post Office agents on board the packets in the Mediterranean for the office at Malta shall be according to pattern R.

The forms of letter bills and acknowledgments of receipt which the British offices of exchange shall use in their communications with the French offices of exchange shall agree with the patterns above described.

**XXXVI.** Registered letters exchanged between the two offices in virtue of Article XVII of the Convention of 24th September, 1856, shall be entered in the letter bills of the respective offices of exchange according to their real weight, but the office to which the said letters are forwarded shall receive credit for double that weight in the monthly accounts which will give the results of the mutual exchange of correspondence.

**XXXVII.** The respective offices of exchange shall divide the correspondence which they shall mutually exchange, into as many distinct packets as there are different rates or special articles in the letter bills.

To each packet shall be attached a label showing the number of the article in the account as well as the net weight of the matter covered by this label.

**XXXVIII.** The labels which the respective offices of exchange shall make use of, in virtue of the provisions of the preceding Article, shall be printed as follows :

1. On blue paper for paid correspondence.
2. On yellow paper for correspondence either unpaid or charged with transit postage.
3. And on white paper for matter giving rise to no account.

**XXXIX.** The correspondence returned either in consequence of misdirection or of change of residence of the persons to whom the letters are addressed shall be entered nominally in the tables of the letter bills specially appropriated for the entry of such correspondence.

Misdirected correspondence shall be tied up with a cross-string, and shall have a label attached bearing these words, " Mis-directed letters."

Correspondence re-directed to persons who have gone away, but have left their address, shall be also tied with a cross-string, and shall have a label attached bearing these words, " Re-directed, owing to change of residence."

**XL.** Letters insufficiently prepaid by means of postage stamps, and liable to a surcharge, in virtue of Article XVII of the present

regulations, shall be entered in Table No. 6 of the Letter Bill M No. 1, or in Table No. 5, of the Letter Bill N, as the case may be with all the details required by that Table.

These letters shall be tied up with a cross string, and shall have a label attached bearing these words, "Letters insufficiently prepaid."

**XLI.** Registered letters shall be entered nominally in the table of the letter bill headed "Registered Letters and Packets."

These letters shall be tied up with a cross string, the ends of which shall be made fast to the letter bill by means of a seal with an impression in wax.

**XLII.** In conformity with Article XXIII of the Convention of 24th September, 1856, the Post Office of France shall pay to the British Post Office for the transit rate across the territory of the East India Company of the letters comprised in the closed mail exchanged between France and the French Establishments in India by way of the Isthmus of Suez, the sum of 60 centimes per 30 grammes of letters, net weight.

**XLIII.** In execution of Article XXIII of the Convention of 24th September, 1856, the Post Office of France shall pay to the Post Office of Great Britain the following rates on account of the passage by the Isthmus of Darien or by the Isthmus of Suez of the correspondence comprised in the closed mails which the said Post Office of France shall forward or receive by means of the British mail packets, and by way of either Isthmus, when the conveyance of those mails across the Isthmus of Suez or across the Isthmus of Darien shall be effected at the cost of the British Post Office:

1. For letters comprised in the closed mails transmitted by way of the Isthmus of Darien, the sum of 1 franc 27 centimes and  $\frac{5}{10}$  of a centime per 30 grammes of letters, net weight.

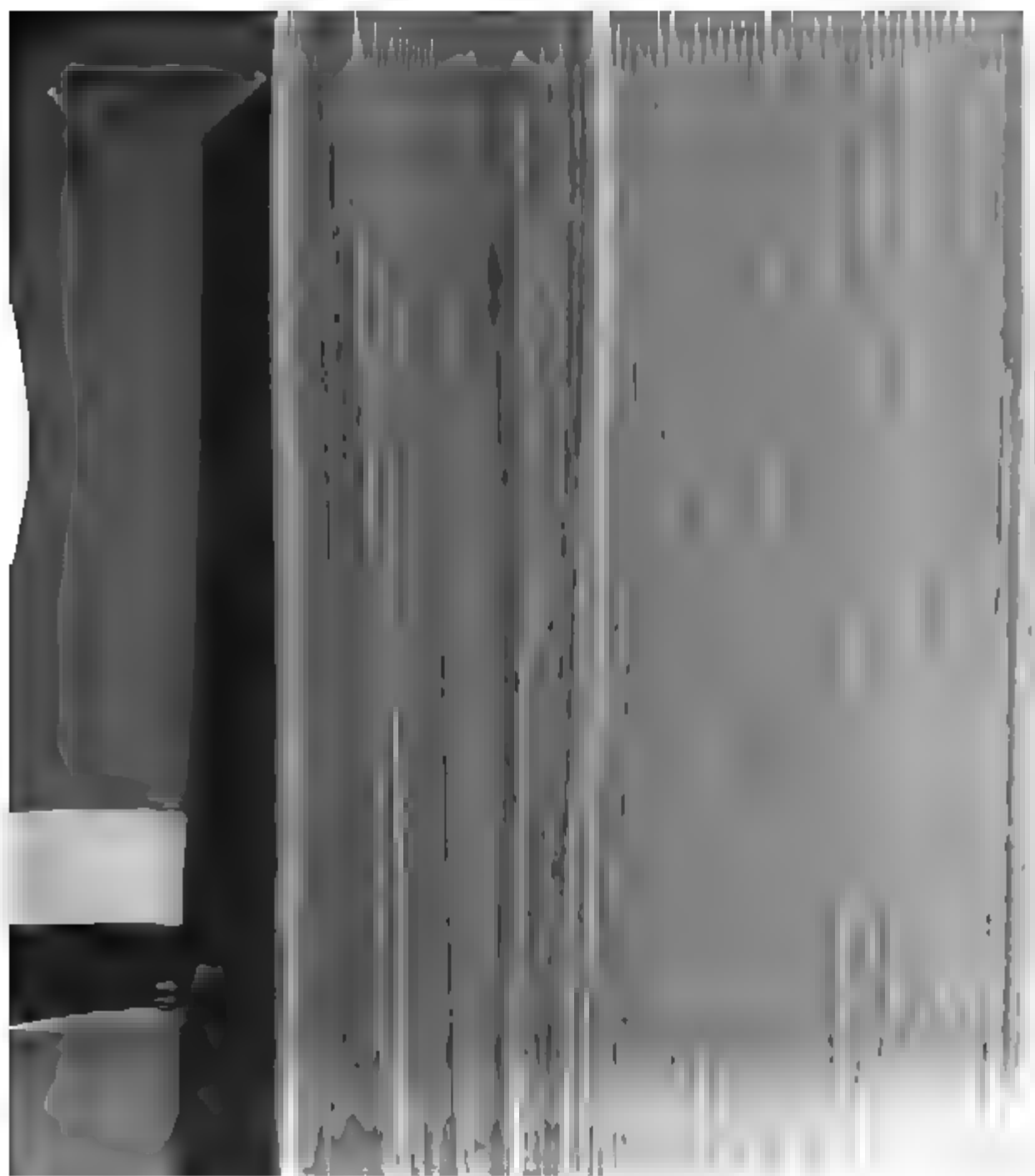
2. For printed papers of every kind comprised in the same mails, the sum of 2 francs 40 centimes per kilogramme of printed papers, net weight.

3. For letters and printed papers of every kind comprised in the closed mails transmitted by way of the Isthmus of Suez, the sum of 80 centimes per kilogramme of letters or printed papers, net weight.

**XLIV.** The particulars of the transmission of the closed mail which each of the two offices shall forward on account of the other in execution of Articles XX to XXVIII of the Convention of 24th September, 1856, shall be certified by the proper offices of exchange in the manner shown in the following table:

Origin of the Closed Mails.	Destination of the Closed Mails.	Forms on which should be certified the particulars of the transmission of the Closed Mails.
Travelling office from Paris to Calais ...	French colonies via England ... United States ... Consul-General of France at Lima ... Commander-in-chief of the French station on the West Coast of America ...	Letter bills from the travelling office from Paris to Calais for the office at London, and acknowledgments of receipt from the office at London for the said travelling office.
British possessions in the Mediterranean or India (by the Indian mail service) ... States of the Continent ...	Office at London ...	Letter bills from the office at Malta for the travelling office from Marseilles to Lyons, and acknowledgments of receipt from the said travelling office for the office at Malta.
British possessions in the Mediterranean (by the French mail packets) ...	Office at London ...	Letter bills from the travelling office from Paris to Calais for the office at London, and acknowledgments of receipt from the office at London for the said travelling office.
States of the Continent ...	Dover ...	Letter bills from the travelling office from Paris to Calais for the office at Dover, and acknowledgments of receipt from the office at Dover for the said travelling office.
Office at Calais ...	United States ...	Letter bills from the office at Calais for the office at Dover, and acknowledgments of receipt from the office at Dover for the office at Calais.
Office at Havre ...	United States ...	Letter bills from the office at Havre for the office at Southampton, and acknowledgments of receipt from the office at Southampton for the office at Havre.
Travelling office from Lyons to Marseilles ...	French office at Alexandria ... French colonies via Suez Places in the Indian or China Ocean ...	Letter bills from the travelling office from Lyons to Marseilles for the British office at Alexandria, and acknowledgments of receipt from the British office at Alexandria for the said travelling office.
Office at Marseilles ...	French office at Alexandria ... French colonies via Suez Places in the Indian or China Ocean ...	Letter bills from the office at Marseilles for the British office at Alexandria, and acknowledgments of receipt from the British office at Alexandria for the office at Marseilles.
Italy and Kingdom of Greece ...	Office at Malta ...	Letter bills from the Post Office agents on board the French mail packets for the office at Malta, and acknowledgments of receipt from the office at Malta for the said agents.
Office at London ...	British possessions in the Mediterranean or India (by the Indian mail service) ... States of the continent ...	Letter bills from the office at London for the travelling office from Calais to Paris, and acknowledgments of receipt from the said travelling office for the office at London.
Office at London ...	British possessions in the Mediterranean by the French packets ...	Letter bills from the travelling office from Marseilles to Lyons for the office at Malta, and acknowledgments of receipt from the office at Malta for the said travelling office.
Office at Dover ...	States of the Continent ...	Letter bills from the office at Dover for the travelling office from Paris to Calais, and acknowledgments of receipt from the said travelling office for the office at Dover.
French colonies via England ... United States ...	Travelling office from Calais to Paris ...	Letter bills from the office at London for the travelling office from Calais to Paris, and acknowledgments of receipt from the said travelling office for the office at London.
United States ...	Office at Calais ...	Letter bills from the office at London for the office at Calais, and acknowledgments of receipt from the office at Calais for the office at London.
United States ...	Office at Havre ...	Letter bills from the office at Southampton for the office at Havre, and acknowledgments of receipt from the office at Havre for the office at Southampton.
French office at Alexandria ... French colonies via Suez Places in the Indian or China Ocean ...	Travelling office from Marseilles to Lyons ...	Letter bills from the British office at Alexandria for the travelling office from Marseilles to Lyons, and acknowledgments of receipt from the said travelling office for the British office at Alexandria.





L. The separate accounts described in the preceding Article shall be incorporated every month in general accounts shewing the result of the transmission of the correspondence exchanged either in ordinary or closed mails between the Post Office of France and the Post Office of Great Britain.

LI. The general accounts mentioned in the preceding Article shall be compared and settled by the two offices, and the balance shall be paid in French money at the end of every quarter by that Office which shall be found to be indebted to the other.

LII. It is reciprocally agreed that neither the French nor the British territorial rates now chargeable upon letters which each of the two countries forwards or receives by the route of the other, shall on any pretext be increased.

It is also agreed that the foreign rate to be levied on each letter and for each quarter of an ounce, or fraction of a quarter of an ounce, that such letter may weigh in addition to the territorial rate referred to shall not exceed the fourth part of the rate per ounce, or per 30 grammes, which is fixed by the preceding Articles XIX, XX, and XXI.

Nevertheless, it is understood that when the division of the rate of accounting above mentioned by four, presents a fraction of a decime as regards the charges to be levied from French subjects, or of a penny as regards the charges to be levied from English subjects, a full decime or penny may be levied on either side if the fraction amounts to half a decime or a halfpenny, or more; but if the fraction be less than half a decime or less than a halfpenny, it shall not be levied.

LIII. All previous provisions agreed upon between the Post Office of France and the Post Office of Great Britain shall be abrogated from the date of the day on which the Convention of 24th September, 1856, shall be carried into effect.

Done in duplicate and signed in Paris the 27th October, 1856, and in London the 12th November, 1856.

STOURM.

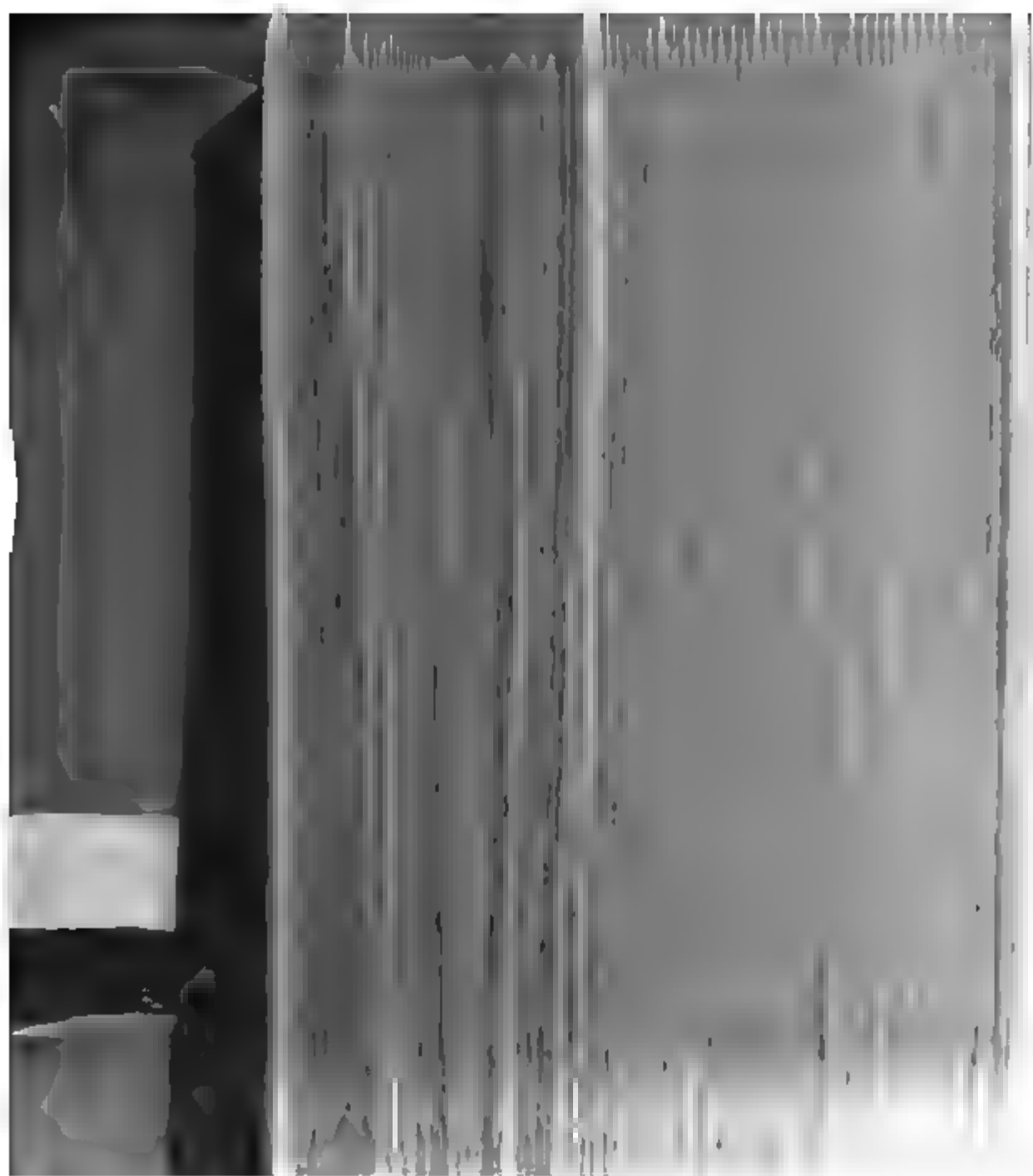
ARGYLL.

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*PROTOCOLE contenant l'Arrangement, relatif à la Servie, définitivement arrêté, entre la Sublime Porte et les Représentants des Puissances signataires du Traité de Paris de 1856\*.—Kanlidja, le 4 Septembre, 1862.*

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LES événements dont la Principauté de Servie a été dernièrement le théâtre ayant engagé la Sublime Porte à réunir en conférence les



et ouvrages devront être rasés et nivelés. Les Serbes ne pourront sur ce terrain élever aucun ouvrage militaire. Ces modifications à l'ancien état de choses auront pour conséquence que la juridiction exclusive des autorités Serbes s'étendra à l'avenir sur la totalité de la ville comme du faubourg de Belgrade. Tous les édifices religieux et les tombeaux que la population Musulmane laisserait debout en se retirant des lieux qu'elle a occupés jusqu'ici en vertu de droits séculaires seront scrupuleusement respectés.

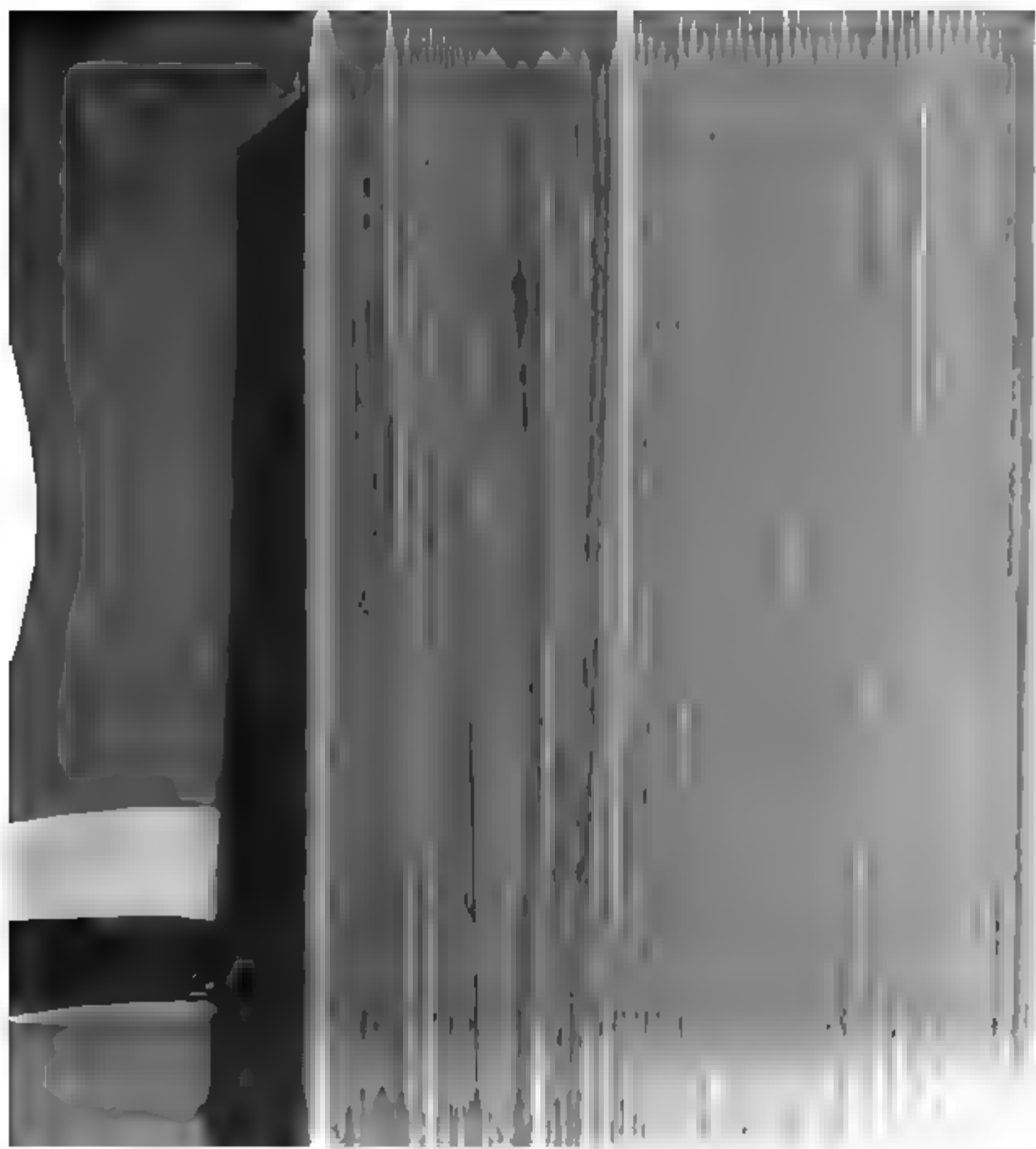
II. Décidée à maintenir, dans toute leur intégrité, ses droits sur la citadelle de Belgrade, tels que les Traités les ont consacrés, la Sublime Porte, sans vouloir en rien en aggraver pour les Serbes les conditions, est fondée néanmoins à rechercher les moyens de mettre cette place forte sur un pied de défense suffisant, et croit nécessaire de donner à l'esplanade actuelle plus de régularité et, sur certains points où cette extension ne peut inquiéter la ville, plus d'étendue.

Cette extension sera donc prise sur le quartier occupé presque exclusivement par les Musulmans et compris entre la citadelle, le Danube, et une ligne passant par le Tekké de Scheik Hassan et par la mosquée d'Ali Pacha. Si la Sublime Porte croyait qu'il fût absolument indispensable de pousser la démolition du quartier Musulman un peu plus loin que la ligne précitée, la Commission Militaire Mixte, dont il est question dans l'Article V, aurait à en apprécier les motifs et à prendre une décision à cet égard. S'il se trouve dans cette espace quelques maisons non Musulmanes, le Gouvernement Ottoman en indemniserait les propriétaires. Il va sans dire qu'il se charge d'indemniser tous les expropriés qui se trouvent sous sa juridiction directe.

Quant au quartier exclusivement Serbe, le Gouvernement Ottoman, dont la pensée ne peut être de toucher aux édifices religieux, tels que la cathédrale, le séminaire, et l'évêché, ni aux rues marchandes, s'entendra à l'amiable avec le Gouvernement Princier pour l'achat des quelques maisons que des juges compétents déclareraient absolument nécessaires pour compléter l'esplanade dans cette direction, et prendra soin de faciliter le consentement des propriétaires par l'offre de généreuses compensations.

Aucune construction, de quelque nature qu'elle soit, ne devra subsister ou être élevée à l'avenir sur le terrain de cette esplanade qui demeurera la propriété exclusive du Gouvernement Turc. Personne ne devra y résider, même temporairement.

III. Le Gouvernement Serbe prendra soin de faire restituer en nature ou en valeur tous les objets mobiliers que les Musulmans ont laissés dans leurs maisons ou boutiques lorsqu'ils se sont retirés dans la citadelle. Si, lors des désordres qui ont eu lieu dans ce moment, quelque habitant Serbe avait, par le fait des Musulmans



informations locales qui pourraient l'aider à résoudre cette question ; elle fera son rapport à la Sublime Porte qui accueillera avec bienveillance toutes les observations que le Gouvernement Serbe croirait devoir lui soumettre à ce sujet. La conférence verrait avec plaisir que la Sublime Porte s'éclairât de l'avis de cette Commission pour l'examen dont il est question dans la dernière partie de l'Article précédent.

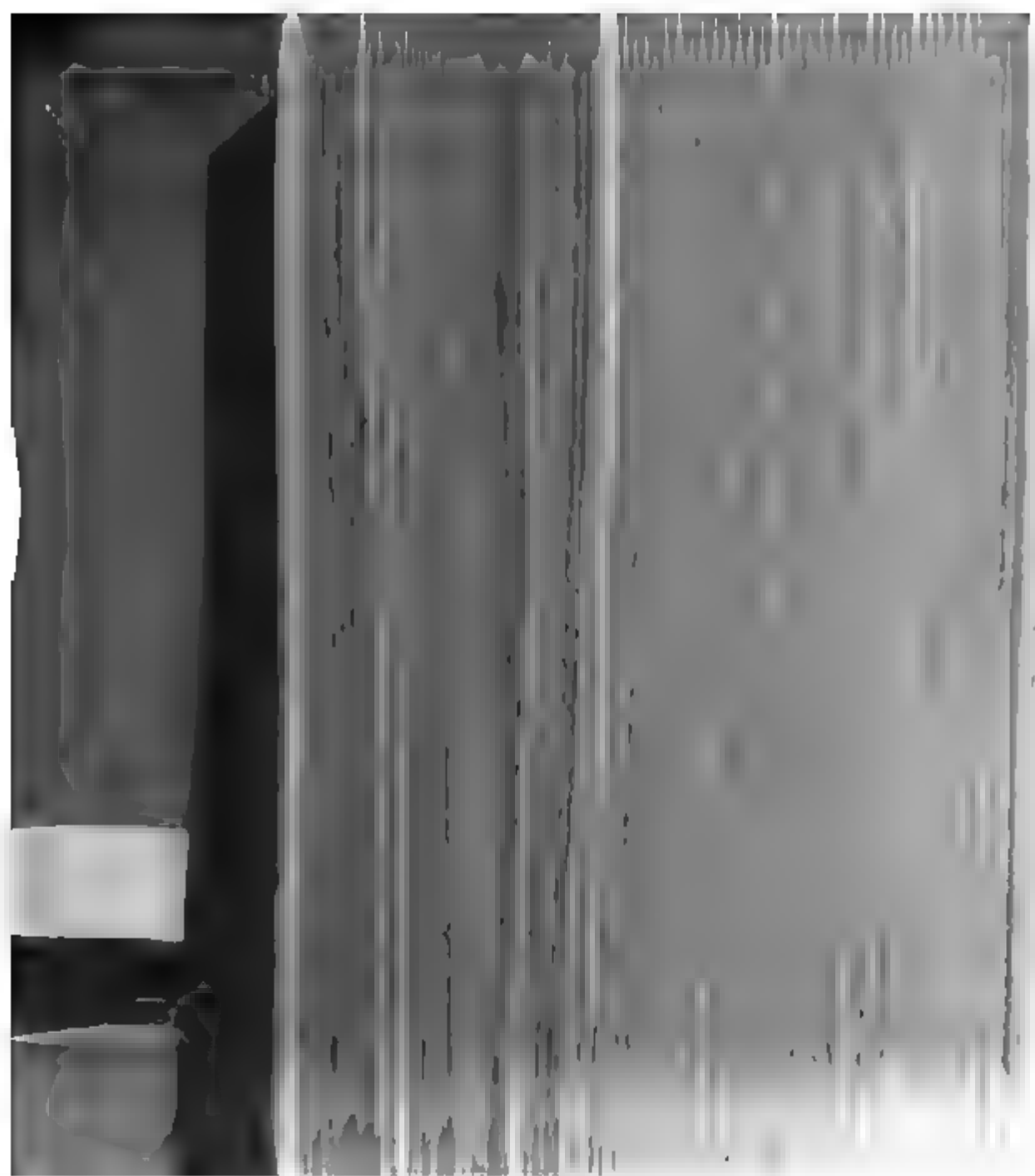
Une Commission Civile Mixte, composée de membres nommés par le Gouvernement Ottoman et le Gouvernement Serbe, règlera toutes les questions d'expropriation et d'indemnité qui sont prévues dans le présent arrangement sauf celles qui ne doivent être débattues qu'entre le Gouvernement Turc et les propriétaires qui ressortissent de sa juridiction directe. Cette Commission devra avoir terminé sa tâche dans le délai de quatre mois.

VI. La Sublime Porte, ne voulant entretenir dans la Principauté de Servie que le nombre de points fortifiés qui lui paraissent réellement nécessaires à la sécurité de l'Empire Ottoman, s'est livrée à un examen attentif de cette question, et se fait un plaisir de déclarer à la Conférence que son intention est de démolir, dès à présent, parmi les forteresses qui lui appartiennent, celles de Sokol et d'Oujitza, qui ne devront jamais être relevées sans le consentement mutuel de la Sublime Porte et du Gouvernement Serbe. Elle regarde le maintien des forteresses de Teth-Islam, de Chabat, et de Semendria, comme indispensable au système général de défense de la Turquie.

VII. Ne désirant user des droits qui lui appartiennent dans la Principauté de Servie que dans les limites qu'exige sa propre sécurité, la Sublime Porte n'entretiendra dans les points fortifiés qu'elle y occupe, soit à Belgrade soit à Teth-Islam, Semendria, et Chabaz, que des garnisons proportionnées à l'étendue de ces places et aux besoins réels de leur défense.

VIII. La Sublime Porte s'engage à prendre des mesures immédiates, d'accord avec le Gouvernement Serbe, pour que tous les habitants Musulmans qui résident autour des 5 points fortifiés qu'elle occupe en vertu des Traités, et qui sont désignées dans les Articles précédents, puissent vendre leurs propriétés et se retirer du sol Serbe le plus promptement possible. Le Commissaire Ottoman envoyé à Belgrade à l'effet de régler cette question et d'autres qui étaient antérieurement pendantes, devra avoir terminé sa tâche dans le délai fixé par la Commission Civile Mixte désignée dans l'Article V. Il est bien entendu qu'il n'y a rien dans ce qui précède qui doive empêcher les Musulmans de voyager pour leurs affaires dans l'intérieur de la principauté, à la charge de se conformer aux lois du pays.

IX. Il est dans les intentions de la Sublime Porte de veiller à ce





seils qui ont servi de bases au présent arrangement et en prenant acte de ses bonnes intentions, déclarent n'avoir eu en vue que de garantir le maintien des Articles XXVIII et XXIX du Traité de Paris au moyen de sages modifications fondées sur l'intérêt de la Turquie et de la Servie, et dictées par le désir de consolider la paix Européenne. Elles sont convaincues qu'appréciant les efforts qui ont été faits pour donner, dans la mesure du juste et du possible, satisfaction à leurs plaintes et à leur désirs, et ramenés à un sentiment vrai de leur situation, les Serves comprendront que leur intérêt est de rester unis étroitement à la Puissance Suzeraine, de s'appuyer sur elle, et de contribuer à la défense générale de l'Empire avec la fidélité dont ils ont donné tant de preuves et qui seule peut assurer l'autonomie et l'existence de la Servie.

Karlidja, le 4 Septembre, 1862.

(L.S.) FAUD.

(L.S.) AALI.

(L.S.) HENRY L. BULWER.

(L.S.) M. DE MOUSTIER.

(L.S.) DE PROKESCH-OSTEN.

(L.S.) A. LOBANOW.

(L.S.) G. WERTZERN.

(L.S.) BELLA-CARACCILO.

*Instructions de la Sublime Porte au Gouverneur de Belgrade.*

La Sublime Porte a été toujours animée de la plus haute bienveillance à l'égard de la population Serve. Comme conséquence naturelle de cette bienveillance, notre Auguste Souverain désire sincèrement le développement progressif de sa prospérité, et mue par ce principe invariable, Sa Majesté Impériale ne saura tolérer qu'on puisse y porter atteinte. C'est donc pour vous en faire bien pénétrer et afin de prévenir tout conflit d'autorité, j'ai l'ordre Souverain de vous indiquer les points suivants, qui doivent vous servir de règle de conduite dans l'exercice de vos fonctions.

1°. Vous savez que l'administration intérieure de la Principauté de Servie est exclusivement confiée au Prince et à ses fonctionnaires. Vous n'aurez par conséquent à vous immiscer d'aucune façon dans les affaires qui concernent cette administration.

2°. Vous ferez tout votre possible pour vivre en bonne harmonie avec l'administration Serve, et vous aurez à rendre, personnellement, et à faire rendre par vos subordonnés, tant au Prince qu'à tous les fonctionnaires, tous les égards auxquels ils ont droit. De même et naturellement les Serves ne s'immisceront en aucune manière de ce qui regarde la forteresse, et ils vous témoigneront et feront témoigner le respect dû à un haut fonctionnaire de la Sublime Porte, ainsi qu'aux officiers de la garnison.

3°. Vous ne permettrez à aucun des habitants Musulmans de Belgrade d'habiter en dehors de la citadelle.

4°. Vous ne donnerez aucun air de menace, et qui peut en nécessité inquiéter ou alarmer la population serve, à la disposition de notre artillerie sur les remparts tournés vers la ville.

5°. Vous ne ferez usage de l'artillerie que dans le cas d'attaque sérieuse tentée contre la forteresse que vous êtes chargé de défendre ;

Dans le cas de défense nécessaire, et dans ce cas seulement vous vous servirez de votre artillerie, ayant soin de ne diriger feu que sur les parties de la ville d'où provient l'attaque, et vous inspirant toujours des intentions généreuses de Sa Majesté Impériale, d'épargner autant que possible une ville à la conservation et la prospérité de laquelle elle attache le plus grand prix.

6°. Vous devez comprendre que l'Article précédent n'a pour objet que de fixer la ligne de conduite que vous devrez suivre dans des éventualités que vous devrez avant tout faire votre possible pour éviter. Si après avoir épuisé tous les moyens de conciliation, vous vous trouvez dans la fâcheuse nécessité de faire usage de vos canons pour repousser une attaque contre la forteresse, vous tâcherez d'en prévenir d'avance les Consuls étrangers résidents à Belgrade, et, si possible les habitants paisibles de la ville.

*CONVENTION between the Post Office of Great Britain and the Post Office of Prussia, acting on behalf of the German Postal Union.\*—Signed at London, October 13, 1862.*

THE General Post Office of the United Kingdom of Great Britain and Ireland, and the General Post Office of the Kingdom of Prussia, acting on behalf of the German Postal Union, being desirous of regulating, by means of a new Convention, the communications by post between the United Kingdom and the following States of the German Postal Union, viz., Prussia, Austria, Bavaria, Saxony, Hanover, Wurtemberg, Baden, Luxemburg, Brunswick, Mecklenburgh-Schwerin, Mecklenburgh-Strelitz, Oldenburg, Lubeck, and the countries which are included in the Postal district of the Principality of Tour and Taxis.

The Undersigned, Sir Rowland Hill, Knight Commander of the Most Honourable Order of the Bath, Secretary of the General Post Office, furnished with full powers from the Right Honourable Lord Stanley of Alderley, Postmaster-General of the United Kingdom of Great Britain and Ireland, and Charles Adolphus Metzner, Knight

\* Signed also in the German language

the Order of the Red Eagle, second class, and Knight of the Order of the Crown, second class, &c., Privy Councillor in the General Post Office of His Majesty the King of Prussia, furnished with full powers from his Excellency Henry William Holzbrinck, His Prussian Majesty's Minister for Trade, Industry, and Public Works.

After having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following Articles :

ART. I. There shall be a periodical and regular exchange of correspondence between the United Kingdom of Great Britain and Ireland and Prussia, as well for letters and book packets originating in the United Kingdom or in any of the States of the German Postal Union, as for articles of the same nature originating in or destined for the countries the correspondence of which is forwarded through Great Britain or through the German Postal Union.

II. The regular exchange of mails between the British and the Prussian Offices shall be effected through the following Post Offices, namely :

On the side of the United Kingdom :—1. London. 2. Dover.

On the side of Prussia :—1. Berlin. 2. The Travelling Post Office between Verviers and Cologne.

III. It is agreed that the British Post Office shall make use of the right which it possesses, under the Postal Convention between Great Britain and Belgium, of exchanging closed mails with the Prussian Post Office through the Belgian territory.

The British Post Office shall pay to the Post Office of Belgium the transit postage due to that office for the transit of the letters contained in the closed mails in both directions exchanged between the United Kingdom and Prussia, and the Prussian Post Office shall repay to the British Post Office, at the expiration of every quarter, one-half of the total amount paid to Belgium on account of such transit during the quarter.

IV. Persons desirous of sending ordinary letters, that is to say, letters not registered, either from the United Kingdom of Great Britain and Ireland to the States of the German Postal Union, or from the States of the Union to the United Kingdom of Great Britain and Ireland, shall have the option of leaving the postage of such letters to be paid by the receivers or of paying the postage in advance to the place of destination.

V. The total amount of postage to be collected in the United Kingdom upon paid letters originating in the United Kingdom, addressed to the States of the German Postal Union, as well as upon unpaid letters originating in those States, addressed to the United Kingdom, shall be as follows :

For every single paid letter, 6*d*.

For every single unpaid letter, 8*d*.

Reciprocally, the total amount of postage to be collected in the States of the German Postal Union upon paid letters originating in those States, addressed to the United Kingdom, as well as upon unpaid letters originating in the United Kingdom, addressed to those States, shall be as follows:

For every single paid letter, 5 silver groschen, or the corresponding amount in the current coin of those States.

For every single unpaid letter, 7 silver groschen, or the corresponding amount in the current coin of those States.

VI. With respect to letters above the weight of a single letter which is fixed at half an ounce in the United Kingdom, and at one zoll loth in the States of the German Postal Union, the British Office shall apply the following scale of progression for all letters the postage of which is collected in the United Kingdom, viz.:

For every letter exceeding half an ounce, and not exceeding one ounce, two rates of postage.

For every letter exceeding one ounce, and not exceeding two ounces, four rates of postage.

For every letter exceeding two ounces, and not exceeding three ounces, six rates of postage.

And so on, two rates being added for every additional ounce.

And the German offices shall apply the following scale of progression for all letters the postage of which is collected in the States of the German Postal Union, viz.:

For every letter weighing a zoll loth, but under two zoll loth, two rates of postage.

For every letter weighing two zoll loths, but under three zoll loths, three rates of postage.

And so on, an additional rate of postage being charged for every zoll loth.

VII. The Post Offices of Great Britain and Prussia shall mutually account to each other for the portion of the postage which is due to each upon the letters dispatched from one office to the other.

The British Post Office shall pay to the Prussian Post Office for every single paid letter originating in or passing in transit through the United Kingdom, addressed to the States of the German Postal Union, the sum of 3*d*. and for every single unpaid letter originating in those States, addressed to the United Kingdom, the sum of 4*d*.

The Prussian Post Office, on the other hand, shall pay to the British Post Office for every single paid letter originating in or passing in transit through the States of the German Postal Union,

addressed to the United Kingdom, the sum of  $2\frac{1}{2}$  silver groschen, and for every single unpaid letter originating in the United Kingdom, addressed to those States, the sum of  $3\frac{1}{2}$  silver groschen.

For every letter above the weight of a single letter each office shall pay to the other an increased amount according to the scale of progression adopted in that country in which the postage is collected.

VIII. When the postage stamps affixed to a letter forwarded from the United Kingdom to the States of the German Postal Union, or from those States to the United Kingdom, shall represent a sum less than that required for its prepayment, at the rate of 6d., or 5 silver groschen, for a single letter, such letter shall be considered as unpaid, and charged as such, after deducting the value of those stamps.

The amount of the sums paid, as well by the senders of insufficiently paid letters as by the persons to whom those letters are addressed, shall be equally divided between the Post Office of Prussia and the British Post Office.

IX. In all cases in which a fee or other charge, in addition to the rates of postage specified in this Convention, is levied in the States or the German Postal Union, upon the delivery of paid or unpaid letters originating in the United Kingdom, one-half of the amount of such fee or other charge shall be paid to the British Post Office by the Post Office of Prussia.

Reciprocally, in the event of a fee or other charge, in addition to the rates of postage specified in this Convention, being at any time levied in the United Kingdom upon the delivery of paid or unpaid letters originating in the States of the German Postal Union, one-half of the amount of such fee or other charge shall be paid to the Prussian Post Office by the British Post Office. It is understood, however, that this stipulation does not apply to the payments voluntarily made to letter carriers for delivering letters to persons residing beyond the prescribed limits within which a free delivery takes place in any town or village in the United Kingdom.

The two offices shall settle by mutual consent the mode in which the amount due to each, as its share of the fees or additional charges levied either in the States of the German Postal Union, or in the United Kingdom, is to be ascertained and brought to account.

X. The British Post Office shall pay to the Prussian Post Office for the territorial conveyance, through the German Postal Union, of letters forwarded in open mails, in transit through the German Postal Union, to or from countries or colonies beyond, viz. :

For every single paid letter originating in the United Kingdom, and addressed to such countries or colonies, the sum of  $2\frac{1}{2}$  silver groschen.

For every single unpaid letter originating in such countries or colonies, and addressed to the United Kingdom, the sum of 8½ sili groschen.

The British Post Office shall further pay to the Prussian Post Office upon this class of letters, the rate paid by the inhabitants of the States of the German Postal Union for letters having the same origin or destination, from which rate, however, the portion representing the German postage shall be first deducted.

The conditions under which letters sent in transit through the German Postal Union, to or from the United Kingdom, shall be exchanged between the British Post Office and the Prussian Post Office, in conformity with the foregoing stipulations, are shown in Table A annexed to this Convention.

**XL.** The Prussian Post Office shall pay to the British Post Office for the territorial conveyance, through the United Kingdom, letters forwarded in open mails, in transit through the United Kingdom, to or from countries or colonies beyond sea, viz.:

For every single paid letter originating in the German Postal Union, and addressed to such countries or colonies, the sum of 3 sili groschen.

For every single unpaid letter originating in such countries or colonies, and addressed to the German Postal Union, 4d.

The Prussian Post Office shall further pay to the British Post Office upon this class of letters, the rate paid by the inhabitants of the United Kingdom for letters having the same origin or destination, from which rate, however, the sum of 1d. shall be first deducted, in all cases where such rate includes the British inland rate.

The conditions under which letters sent in transit through the United Kingdom, to or from the German Postal Union shall be exchanged between the Prussian Post Office and the British Post Office, in conformity with the foregoing stipulations, are shown in Table B annexed to this Convention.

**XII.** The British Post Office may deliver to the Prussian Post Office registered letters addressed to any of the States of the German Postal Union.

Reciprocally, the Prussian Post Office may deliver to the British Post Office registered letters addressed to the United Kingdom.

The postage of registered letters shall always be paid in advance.

A fee, or additional charge, the amount of which the despatch office shall fix, may be levied over and above the postage to which such letters are liable, but no postage, duty, or tax, other than that for delivery, referred to in Article IX preceding, shall be levied on the delivery of registered letters forwarded from the United Kingdom of Great Britain and Ireland to the German Postal Union, *vice versa*.

The British Office shall account to the Prussian Office for one-half the registration fee levied upon registered letters posted in the United Kingdom, and a like sum upon registered letters passing in transit through the United Kingdom, addressed to the German Postal Union; and the Prussian Office shall account to the British Office for one-half the registration fee levied upon registered letters posted in the German Postal Union, and a like sum upon registered letters passing in transit through the German Postal Union addressed to the United Kingdom.

XIII. The British Post Office may further deliver to the Prussian Post Office registered letters addressed to Russia and Russian Poland, Sweden, Norway, Denmark, Switzerland, Italy (the Papal States excepted). All places in Turkey in which Austria maintains Post Offices (Alexandretta, Latakia, Mersina, and Tripoli excepted).

And the Prussian Post Office may further deliver to the British Post Office registered letters addressed to the United States of America (including California and Oregon) to Liberia, or to the British Colonies of India, Malta, Gibraltar, Hong Kong, the British West Indies, the Cape of Good Hope, St. Helena, Natal, Ceylon, Mauritius, New South Wales, Victoria, Tasmania, South Australia, Western Australia, Queensland, New Zealand, Newfoundland, Bermuda, Canada, New Brunswick, Nova Scotia, Prince Edward Island, Sierra Leone, Gambia, the Gold Coast and the Falkland Islands.

In addition to the postage due to the Prussian Post Office, and to half the fee levied for the registration between the United Kingdom and the German Postal Union, the British Post Office shall account to the Prussian Post Office for the sum of 4*d.* per half ounce upon every registered letter addressed to Russia, Russian Poland, or Italy.

Upon registered letters addressed to Sweden, Norway, Denmark, Switzerland, or any of the places in Turkey in which Austria maintains Post Offices, the British Post Office shall account to the Prussian Post Office for the same amount of fee as upon registered letters addressed to the German Postal Union.

On its side, the Prussian Post Office shall account to the British Post Office, in addition to the postage due to the British Post Office, and to half the fee levied for the registration between the German Postal Union and the United Kingdom, for the sum of 5 silver groschen upon every registered letter addressed to any of the countries or colonies above enumerated.

XIV. Subject to the following conditions, book packets, including under that designation newspapers and printed papers of every kind, may be sent from the States of the German Postal Union to the United Kingdom of Great Britain and Ireland at such



rates of postage as may be fixed from time to time by the German Post Offices, and from the United Kingdom to the States of the German Postal Union at such rates of postage as may be fixed from time to time by the British Post Office:—

1. The postage must be prepaid.

2. Book packets, insufficiently prepaid by means of postage stamps, shall be charged with double the amount of the deficiency. The produce of this charge shall be retained by the office which collects it.

3. Every packet must be sent either without a cover, or with a cover open at the ends or sides, so as to admit of the examination of its contents.

4. A book packet may contain any number of separate books, or other publications, prints, or maps, whether printed, engraved, lithographed, and whether on paper, parchment, or vellum, as also photographs on paper, parchment, or vellum; further, all legitimate binding, mounting, or covering of a book, publication, &c., or a portion thereof, shall be allowed, whether such binding, &c., be loose or attached; as also rollers in the case of prints or maps, and markers (whether of paper or otherwise), in the case of books, and in short, whatever is necessary for the safe transmission of literary or artistic matter or usually appertains thereto; but no pattern books or books of patterns (unless these consist merely of paper), shall be allowed.

5. No book packet may contain any writing, figures, or marks whatsoever.

6. No book packet must exceed 2 feet British in length, width, or depth, or 3 pounds Prussian in weight.

XV. In exception to the stipulations of Article XIV preceding it is agreed that ordinary corrections in writing shall be allowed in the case of book packets containing unbound proof sheets only.

XVI. The British Post Office shall pay to the Post Office of Prussia, on such of the book packets mentioned in Article X preceding as shall originate in the United Kingdom of Great Britain and Ireland, as well as on prepaid book packets passing in transit through the United Kingdom, the sum of 5*d.* per Prussian pound net weight.

The Post Office of Prussia on its side shall pay to the British Post Office, on such of the book packets mentioned in Article X preceding as shall originate in the German Postal Union, as well as on prepaid book packets passing in transit through the German Postal Union, the sum of 4 silver groschen per Prussian pound weight for the entire service to be rendered by the British Post Office, and 4*d.* per Prussian pound in repayment of the transit rate to be paid to Belgium.



It is understood, however, that payment of the transit rate due to Belgium on the book packets in question may be made directly by the Prussian Post Office to the Post Office of Belgium, and, in such case, the sum to be paid to the British Post Office will be 4 silver groschen only per Prussian pound.

XVII. No postage whatever shall be charged by the German Post Offices upon the delivery of book packets originating in the United Kingdom of Great Britain and Ireland, or upon prepaid book packets passing in transit throughout the United Kingdom, and addressed to the States of the German Postal Union : and, in like manner, no postage whatever shall be charged by the British Post Office upon the delivery of book packets originating in the States of the German Postal Union, or upon prepaid book packets passing in transit through the German Postal Union, and addressed to the United Kingdom of Great Britain and Ireland.

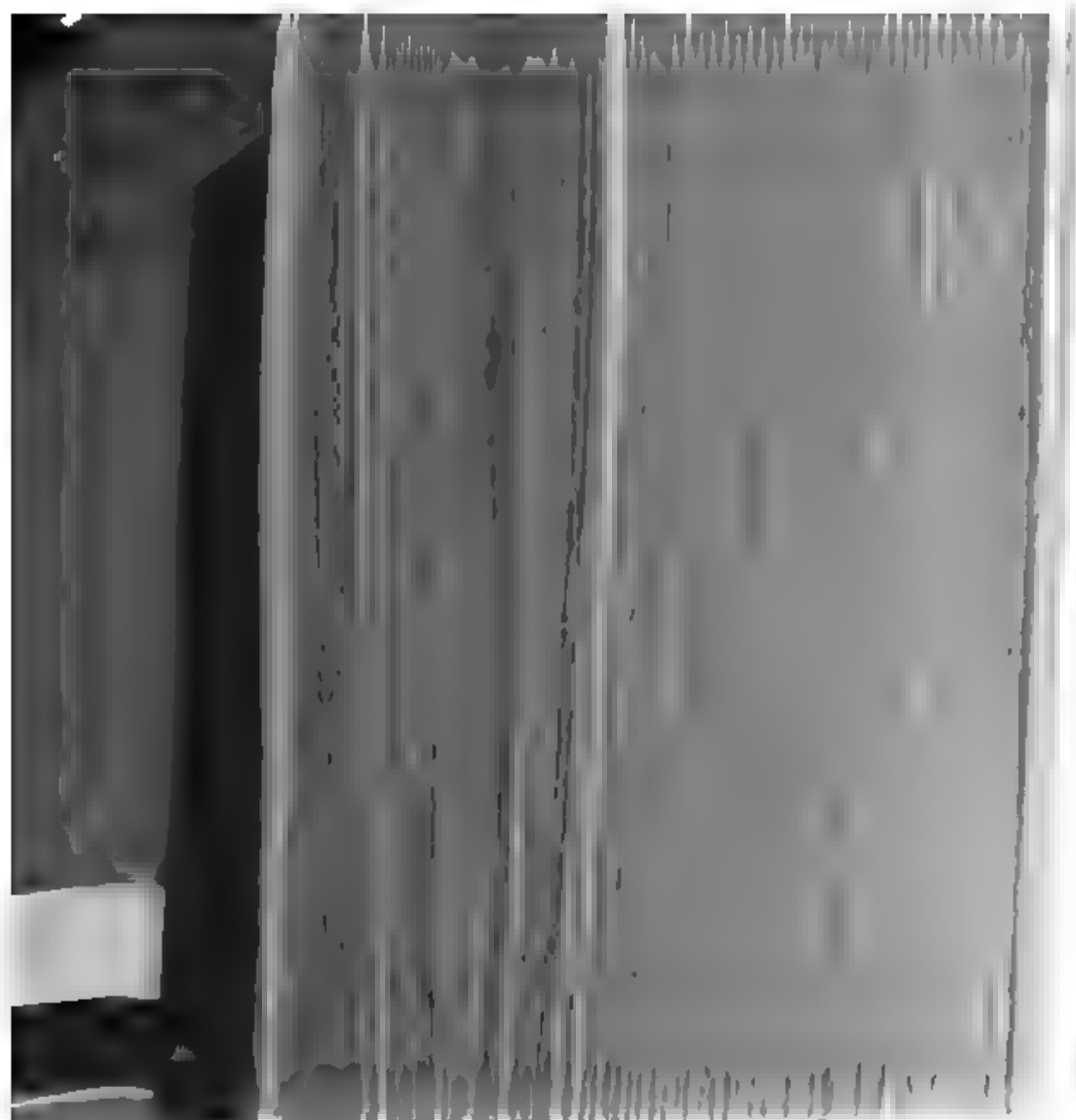
It is nevertheless understood that this provision does not in any way invalidate the right either of the British Office or of the German Offices to refuse to deliver newspapers or other printed papers, the importation of which may be prohibited by the laws and regulations of the country to which they are forwarded.

So long as any stamp duty, fee for delivery, or other charge is levied in any State of the German Postal Union upon newspapers or other printed papers forwarded from the United Kingdom of Great Britain and Ireland, addressed to such State and prepaid to destination, the whole amount of such stamp duty, fee for delivery, or other charge shall be paid over by the Prussian Post Office to the British Post Office.

XVIII. The Post Office of Prussia shall pay to the British Post Office for the conveyance across the United Kingdom of Great Britain and Ireland of book packets in transit which the British Post Office shall convey through its territory on account of the Post Office of Prussia, the sum of 5*d.* per Prussian pound, net weight.

The Post Office of Prussia shall further pay to the British Post Office for the sea conveyance of book packets which shall be conveyed, on account of the Post Office of Prussia, by British mail packets or by private ships leaving or arriving at the ports of the United Kingdom of Great Britain and Ireland, the sum of 5*d.* per Prussian pound, net weight.

In consideration of the expense incurred by the British Post Office for the conveyance of mails across the Isthmus of Suez or the Isthmus of Darien, the Post Office of Prussia shall further pay to the British Post Office for book packets which the Post Office of Prussia shall forward or receive by British mail packets and by way of either Isthmus, viz :



departing from or arriving at ports of the German Postal Union, of letters and book packets comprised in the closed mails which the British office may send or receive, in accordance with Article XIX preceding, the sum of 1*d.* penny per ounce, British, of letters, net weight, for every 250 British statute miles over which such letters may be conveyed beyond the limits of the German Postal Union, and the sum of 1*d.* per pound, Prussian, of book packets, also net weight, for every 500 British statute miles over which such book packets may be conveyed beyond the limits of the German Postal Union.

In each case the distance shall be measured in a direct line, without regard to the route actually traversed.

XXII. The Prussian Post Office shall pay to the British Post Office for transit through the territory of the United Kingdom of letters and book packets comprised in the closed mails which the Prussian Office may send or receive by way of the United Kingdom, in accordance with Article XIX preceding, the sum of 4*d.* per ounce, British, of letters, net weight, and the sum of 5*d.* per pound, Prussian, of book packets, also net weight.

XXIII. The Prussian Post Office shall pay to the British Post Office for the sea conveyance of letters and book packets comprised in the closed mails which the Prussian office may send or receive, in accordance with Article XIX preceding, by British mail packets or private ships departing from or arriving at ports of the United Kingdom, the sum of 1*s.* per ounce, British, of letters, net weight, and the sum of 5*d.* per pound, Prussian, also net weight, of book packets.

XXIV. There shall be reserved in the fourgons, carriages, or vehicles conveying through the territory of the German Postal Union the mails from Great Britain to the East Indies or Australia, or from the East Indies or Australia, to Great Britain, as well as on board the German mail packets employed in the conveyance of those mails, a place, free of charge, for a British Courier, who shall keep the said mails under his special care, and who shall have the right to be present at the purification of the correspondence contained in those mails, whenever it shall take place, and at all other operations to which the said correspondence may be subjected.

XXV. It is understood that the weight of dead letters of every kind, as well as that of the letter bills and other forms of account consequent on the exchange of correspondence conveyed in closed mails by one of the two offices on account of the other, and which are mentioned in the preceding Articles XX, XXI, XXII, and XXIII, shall not be included in the weight of the letters and book packets on which shall be assessed the rates fixed by the said Articles.

XXVI. There shall be an exchange of letters between the Austrian Post Office in Alexandria (Egypt), and the British Post Offices in Aden, Bombay, Calcutta, Madras, Point de Galle, Port Louis, Penang, Singapore, Hong Kong, King George's Sound, Adelaide, Geelong, Melbourne, Hobart Town, Launceston, Sydney, Brisbane, Auckland, and Wellington.

The rate to be collected by the British Post Office, for the conveyance through Egypt, and for the sea conveyance, by British mail packets, between Suez and the several British ports enumerated above, shall be the rate now levied, or that may be hereafter levied, for sea conveyance, as well as for British and Colonial inland conveyance, upon letters conveyed by British packet from the United Kingdom to such ports, respectively.

But the British Post Office promises to do all in its power to obtain for the German Post Offices the option of receiving and sending, unpaid or paid to destination, letters coming from or addressed to the East Indies and Australia.

XXVII. For the sea conveyance to or from Trieste of any of the closed mails referred to in Article XIX preceding the British Post Office may, if it think proper, employ vessels, the property of the British Government, or vessels freighted or subsidized by the British Government, and such vessels shall be considered and treated as vessels of war in the port of Trieste, and be there entitled to the same honours and privileges.

These packets shall be exempted in the said port, as well upon their entrance as upon their departure, from all tonnage, navigation and port dues; excepting, however, the vessels freighted or subsidized by Government, which must pay such dues if they are levied on behalf of corporations, private companies, or individuals.

They shall not on any account be diverted from their respective duty, or be liable to seizure, detention, embargo, or arrest in principle.

XXVIII. The British mail packets shall be at liberty to take on board or land at the port of Trieste specie and gold and silver bullion, as well as passengers, of whatever nation they may be, with their wearing apparel or luggage, on condition that the commanders of those packets shall submit to the sanitary, police, and customs regulations of the port, concerning the arrival and departure of travellers.

Nevertheless, the passengers admitted on board those packets who do not think fit to land during the stay at the said port, shall not, under any pretext, be removed from on board, be liable to a search, or be subjected to the formality of a visa of their passports.

XXIX. The British mail packets may enter or leave the port

Trieste at any hour of the day or night. They may also, if they think proper, without anchoring, embark or disembark the mails and passengers in the roads, or at the entrance of the harbours, so long as they observe the regulations referred to in Article XXVIII preceding.

XXX. Whenever a British packet carrying mails shall be compelled to put into any port of the German Postal Union, other than that at which such packet should touch, the Post Office of the place where the said mails shall be landed shall use the most certain and expeditious means of forwarding them to their destination.

XXXI. Ordinary or registered letters and book packets mis-directed or mis-sent, shall be reciprocally returned without delay through the respective offices of exchange for the same weight and amount of postage at which they were charged by the despatching office to the other office.

The articles of a like nature addressed to persons who have changed their residence shall be mutually forwarded or returned, charged with the rate that would have been paid by the receivers.

XXXII. Ordinary or registered letters and book packets exchanged in ordinary mails between the two Post Offices of Great Britain and Prussia, which cannot be delivered, from whatever cause, shall be mutually returned at the expiration of every month. Such of those articles as shall have been charged in the accounts shall be returned for the amount of postage which was originally charged by the sending office.

Those which were sent paid to destination shall be returned without postage or charge.

With regard to unpaid dead letters which have been conveyed in closed mails by one of the two offices on account of the other, they shall be admitted for the same weight and amount of postage which were charged in the transit accounts of the respective offices, on a simple declaration, or on nominal lists vouching for the amount of postage demanded when the letters themselves cannot be produced by the office which has to claim the amount of their postage from the corresponding office.

XXXIII. The British Post Office and the Post Office of Prussia shall determine by mutual consent the direction of the correspondence reciprocally transmitted, and shall settle the arrangements relating to the form and the liquidation of the accounts arising out of the mutual transmission of correspondence, as well as every other matter of detail which may be necessary to ensure the execution of the stipulations contained in the present Convention.

The two offices shall have power to modify from time to time by mutual consent, the arrangements made in virtue of this Article, as well as those fixed by all the preceding Articles,

XXXIV. Ordinary letters, registered letters, and book packets exchanged between the two Post Offices of Great Britain and Prussia, which shall have been paid to destination, or for some part of the distance beyond the territory of the despatching office, shall be marked in a conspicuous part of the address with an impression in red ink of a stamp intended to denote to the respective offices the extent of prepayment.

The stamp P.D. shall be impressed on ordinary or registered letters as well as on book packets which shall be prepaid to destination.

The stamp P.P. shall be impressed on ordinary letters as well as on book packets which shall be prepaid for some part of the distance beyond the territory of the despatching office.

XXXV. Each of the mails exchanged between the Post Offices of the two countries shall be accompanied by a letter bill in which the despatching office shall state the nature of the articles which the mail contains, and the amount of postage due to each office. The office to which the mail shall be forwarded shall acknowledge its receipt to the despatching office by return of post.

The letter bills and acknowledgments of receipt of the Post Offices of London and Dover for the travelling Post Office between Verviers and Cologne, and for the office of Berlin, shall be according to the forms annexed to the present Articles.

The letter bills and acknowledgments of receipt which the travelling Post Office between Verviers and Cologne, and the office of Berlin, shall use in their communications with the British office of exchange, shall agree with the forms above described.

XXXVI. If it should happen on the usual days and hours making up the mails that an office of exchange has not any letters to forward to the corresponding office, the despatching office shall nevertheless send, in the ordinary way, a mail which shall contain a blank letter bill.

XXXVII. The British Post Office shall every month prepare separate accounts exhibiting the results of the transmission between the respective offices of exchange of the correspondence mutually exchanged, whether in ordinary mails or in closed mails. Such accounts shall be founded upon the acknowledgments of receipt of the respective offices during the month.

XXXVIII. The separate accounts described in the preceding Article shall be incorporated every month in general accounts showing the result of the transmission of the correspondence exchanged either in ordinary or closed mails between the Post Office of Great Britain and the Post Office of Prussia.

XXXIX. The general accounts mentioned in the preceding Article shall be compared and settled by the two offices, and

balance shall be paid at the end of every quarter by that office which shall be found to be indebted to the other.

XL. The present Convention shall come into operation on the 1st day of November, 1862, and shall continue in force until one of the two Contracting Parties shall have announced to the other, one year in advance, its intention to terminate it. During this last year the Convention shall continue to be fully and entirely carried into effect without prejudice to the settlement of the accounts between the British and Prussian offices after the expiration of the said term.

It is, however, reciprocally agreed that none of the provisions contained in the last paragraph of Article XVIII, or in Articles XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, XXVIII, XXIX, or XXX, of this Convention shall take effect until each of the Contracting Parties has announced to the other that satisfactory arrangements arising out of this Convention, on the side of the British office with the Post Offices of Austria, Hamburgh, Bremen, and The United States, and on the side of the Prussian office with the Post Offices of Austria and The United States, have been concluded.

All the agreements which now regulate the exchange of correspondence between The United Kingdom and Prussia, or any of the States of the German Postal Union, shall cease to have effect from the date of the day when the present agreement shall be put into execution.

Done in duplicate at London, the 13th day of October, 1862.

(L.S.) ROWLAND HILL.

(L.S.) A. METZNER.

WHEREAS, by Article XL of the Convention, concluded in London on the 13th October instant, between the General Post Office of the United Kingdom of Great Britain and Ireland and the General Post Office of Prussia, it was stipulated that the said Convention should come into operation on the 1st November, 1862, and

Whereas, since the signature of the said Convention, it has been found expedient to defer the date of its coming into operation ; now

We, the Undersigned Commissioners who signed the said Convention, being duly authorized, have agreed, and do hereby agree and declare, that the Convention aforesaid shall come into operation on the 1st day of January, 1863.

In witness whereof we have signed these presents.

Done in duplicate, in London the 22nd day of October, and in Berlin the 25th day of October, 1862.

ROWLAND HILL.  
A. METZNER.

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(A.)—TABLE showing the Conditions on which shall be exchanged in Ordinary Mails between the Prussian Post Office and the British Post Office Ordinary Letters despatched from the Foreign Countries the Correspondence of which is transmitted through the German Postal Union for Great Britain, and vice versa.

[illegible]



Letters delivered by the British Office to the Prussian Office				Letters delivered by the Prussian Office to the British Office			
1.	2.	3.	4.	5.	6.	7.	8.
Regulation as to Payment in advance	To what Limit.	Rate of postage to be paid by the Prussian Office for an unpaid Letter not exceeding one Zoll-loth.	Rate of postage to be paid by the British Office to the Prussian Office for a paid Letter not exceeding Half an Ounce.	Addressed to the German Postal Union.	Addressed to Countries via the German Postal Union.	Regulation as to Payment in advance	To what Limit.
1.	2.	3.	4.	5.	6.	7.	8.
1.							
Antigua, Barbados, Bermuda, Charlestown, Grenada, Guadeloupe, Guiana, Honduras, Montserrat, Nova Scotia, St. Lucia, St. Vincent, Tobago, Jamaica, Trinidad, Tortola	Destination	0 0	0 0	The same rate as for paid letters coming from England.	Optional	0 0	0 0
Canada (by Canadian packet via United States)	Do.	0 0	0 0	Do.	Do.	0 0	0 0
New Brunswick, Prince Edward Island, Newfoundland, Ascension	Do.	0 0	0 0	Do.	Do.	0 0	0 0
Lagos, Liberia, Gold Coast, Sierra Leone, Cape of Good Hope, Natal, Gambia, Falkland Islands	Do.	0 0	0 0	Do.	Do.	0 0	0 0
New Granada and Costa Rica	Do.	0 0	0 0	Do.	Do.	0 0	0 0
Padang, Batavia, Amboyna, Fernando Po, Goree, Old Calabar, Venezuela, Wydah, Brazil, Buenos Ayres, and Montevideo	Do.	0 0	0 0	Do.	Do.	0 0	0 0
Vancouver's Island, Norfolk, Martinique, and Guadeloupe	Do.	0 0	0 0	Do.	Do.	0 0	0 0
The Canary Islands	Do.	0 0	0 0	Do.	Do.	0 0	0 0

\* \* \* The rates marked thus \* increase according to two different principles. The sum of Threepence out of each rate is chargeable by the Zoll-loth and the remainder by the quarter ounce. The rates marked thus † also increase according to two principles, two-pence being chargeable by the Zoll-loth and the remainder by the quarter ounce.



*DETAILED REGULATIONS arranged between Great Britain and Sardinia, for the execution of the Postal Convention of 12th December, 1857.\*—Signed at London, December 24, and at Turin, December 29, 1857.*

(Translation.)

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THE Postmaster-General of the United Kingdom of Great Britain and Ireland on the one part,

And the Director-General of the Post Office of Sardinia on the other part,

With reference to Articles XXII and XXIII of the Postal Convention concluded between Great Britain and Sardinia, the 12th December, 1857,

Have agreed as follows :

ART. I. The exchange of correspondence between the British and the Sardinian Offices shall be effected through the following Post Offices, viz. :

On the side of Great Britain: 1. London; 2. Dover; 3. Malta.

On the side of Sardinia: 1. Turin; 2. Nice; 3. Travelling Post Office on the Victor Emmanuel Railway; 4. Genoa.

II. The following shall be the regulations for the exchange of mails between the respective offices :

1. The office of London shall exchange mails with the offices of Turin, Genoa, and Nice, and with the Travelling Post Office on the Victor Emmanuel Railway.

2. The office of Dover shall exchange mails with the office of Nice and with the Travelling Post Office on the Victor Emmanuel Railway.

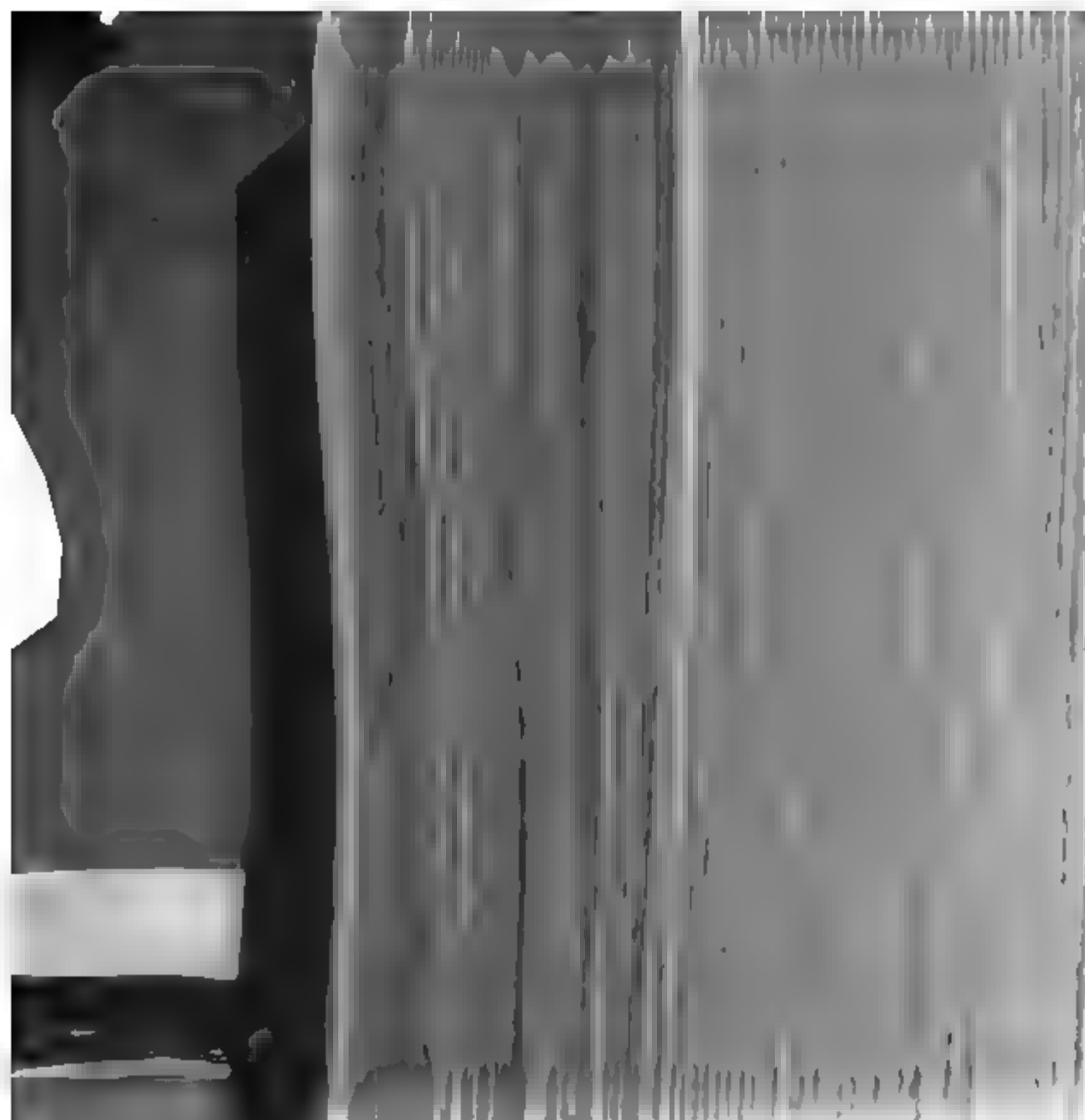
3. The office of Malta shall exchange mails with the office of Genoa.

III. The mails from the office of London for the office of Turin shall comprise the correspondence of every kind addressed to the city of Turin and to the Foreign countries enumerated in Table A, annexed to the present regulations.

The mails from the office of London for the office of Genoa shall comprise the correspondence of every kind addressed to the towns in Sardinia or the foreign countries enumerated in table B, annexed to the present regulations.

The mails from the offices of London and Dover for the office of Nice shall comprise the correspondence of every kind addressed to the towns in Sardinia enumerated in Table C, annexed to the present regulations.

The mails from the office of London for the Travelling Post Office on the Victor Emmanuel Railway shall comprise the corre-



Sardinia, either from the foreign countries enumerated in Table H annexed to the present regulations, to the United Kingdom of Great Britain and Ireland, or from the United Kingdom of Great Britain and Ireland to those same foreign countries, shall be exchanged between the British Post Office and the Post Office of Sardinia on the conditions set forth in the same Table.

It is understood, however, that in the event of arrangements being hereafter made between the Post Office of Sardinia and the Post Offices of any of the foreign countries enumerated in Table H above mentioned, so that letters addressed to those countries originating in Sardinia may be prepaid to destination, a like provision for prepayment to destination shall be stipulated for in favour of letters originating in or forwarded through the United Kingdom.

VIII. Upon ordinary letters and book packets dispatched from Sardinia *via* Malta to the countries enumerated in Table I, or from those countries *via* Malta to Sardinia, the Post Office of Sardinia shall account to the British Post Office for the rates specified in the said Table.

IX. Book packets despatched in ordinary mails by way of the United Kingdom of Great Britain and Ireland from Sardinia or any of the States of the Continent, the correspondence of which is forwarded through Sardinia to the colonies and countries beyond sea enumerated in Table K annexed to the present regulations, or from those same colonies and countries beyond sea to Sardinia or any of the States of the Continent, the correspondence of which is forwarded through Sardinia, shall be exchanged between the British Post Office and the Post Office of Sardinia on the conditions set forth in the said Table.

It is, nevertheless, understood that the British Post Office shall have the right to deliver to the Post Office of Sardinia as paid to destination book packets which shall be forwarded from the colonies and other countries beyond sea enumerated in Table K, above mentioned, for Sardinia.

The rate to be paid by the British Post Office to the Post Office of Sardinia for such book packets shall be the same as for book packets originating in the United Kingdom.

X. Book packets dispatched in ordinary mails by way of Sardinia from the United Kingdom of Great Britain and Ireland to the foreign countries enumerated in Table L annexed to the present regulations, or from those same foreign countries to the United Kingdom of Great Britain and Ireland, shall be exchanged between the Post Office of Sardinia and the British Post Office on the conditions set forth in the said Table.

It is, nevertheless, understood that the Post Office of Sardinia



Sardinia, either from the foreign countries enumerated in Table H annexed to the present regulations, to the United Kingdom of Great Britain and Ireland, or from the United Kingdom of Great Britain and Ireland to those same foreign countries, shall be exchanged between the British Post Office and the Post Office of Sardinia on the conditions set forth in the same Table.

It is understood, however, that in the event of arrangements being hereafter made between the Post Office of Sardinia and the Post Offices of any of the foreign countries enumerated in Table H above mentioned, so that letters addressed to those countries originating in Sardinia may be prepaid to destination, a like provision for prepayment to destination shall be stipulated for in favour of letters originating in or forwarded through the United Kingdom.

VIII. Upon ordinary letters and book packets dispatched from Sardinia *viâ* Malta to the countries enumerated in Table I, or from those countries *viâ* Malta to Sardinia, the Post Office of Sardinia shall account to the British Post Office for the rates specified in the said Table.

IX. Book packets despatched in ordinary mails by way of the United Kingdom of Great Britain and Ireland from Sardinia or any of the States of the Continent, the correspondence of which is forwarded through Sardinia to the colonies and countries beyond sea enumerated in Table K annexed to the present regulations, or from those same colonies and countries beyond sea to Sardinia or any of the States of the Continent, the correspondence of which is forwarded through Sardinia, shall be exchanged between the British Post Office and the Post Office of Sardinia on the conditions set forth in the said Table.

It is, nevertheless, understood that the British Post Office shall have the right to deliver to the Post Office of Sardinia as paid to destination book packets which shall be forwarded from the colonies and other countries beyond sea enumerated in Table K, above mentioned, for Sardinia.

The rate to be paid by the British Post Office to the Post Office of Sardinia for such book packets shall be the same as for book packets originating in the United Kingdom.

X. Book packets dispatched in ordinary mails by way of Sardinia from the United Kingdom of Great Britain and Ireland to the foreign countries enumerated in Table L annexed to the present regulations, or from those same foreign countries to the United Kingdom of Great Britain and Ireland, shall be exchanged between the Post Office of Sardinia and the British Post Office on the conditions set forth in the said Table.

It is, nevertheless, understood that the Post Office of Sardinia

shall have the right to deliver to the British Post Office as paid to destination book packets which shall be forwarded from the countries enumerated in Table L, above mentioned, for the United Kingdom.

The rate to be paid by the Post Office of Sardinia to the British Post Office for such book packets shall be the same as for book packets originating in Sardinia.

XI. Each of the mails exchanged between the Post Offices of the two countries shall be accompanied by a letter bill in which the dispatching office shall state, under the classification established by the Convention of the 12th December, 1857, the nature of the articles which the mail contains and the amount of postage due to each office.

The office to which the mail shall be forwarded shall acknowledge its receipt to the dispatching office by return of post.

The letter bills and acknowledgments of receipt from the office of London for the offices of Turin, Genoa, and Nice, and for the travelling Post Office of the Victor Emmanuel Railway, and from the office of Dover for the office of Nice and for the travelling Post Office on the Victor Emmanuel Railway, shall be according to the patterns M and N, annexed to the present regulations.

The letter bills and acknowledgments of receipt from the office of Malta for the office of Genoa shall be according to the patterns O and P, annexed to the present regulations.

XII. If it should happen on the usual days for making up the mails that there should not be any letters or other correspondence from either of the offices of exchange for the corresponding office, a mail containing a blank letter bill shall nevertheless be sent.

XIII. When the writers of letters addressed to the colonies and countries beyond sea shall wish that those letters should be conveyed by merchant ships leaving the ports of the United Kingdom of Great Britain and Ireland, such intention must be expressed on the address.

In all cases where such direction is not given, letters for the colonies and countries beyond sea shall be transmitted by means of the regular packets.

XIV. The address of registered letters sent from one country to the other shall be entered in the table which is prepared for the purpose in the letter bill, with such particulars as are pointed out by the said table.

These letters shall be tied up together with a cross string, the ends of which shall be made fast to the bottom of the letter by the despatching office by means of a seal made of sealing-wax.

XV. Registered letters from British colonies or foreign countries shall be reciprocally exchanged between the British and



inian offices, with the precautions used for registered letters posted in either of the two countries.

XVI. The British Post Office may deliver to the Post Office of Sardinia, registered letters addressed as well to Sardinia as to Austria, Parma, Modena, and Tuscany.

On its side, the Post Office of Sardinia may deliver to the British Post Office registered letters addressed as well to the United Kingdom of Great Britain and Ireland, and Malta, as to Gibraltar, Hong Kong, the British West Indies, the Cape of Good Hope, Natal, Ceylon, Mauritius, South Australia, Western Australia, Canada, New Brunswick, Prince Edward Island, Sierra Leone, and the Gold Coast.

XVII. The following regulations shall be observed with respect to the registered letters referred to in the preceding Article :

The Post Office of Sardinia shall account to the British Post Office for the sum of 3*d.*, in addition to the postage due to the British Post Office, upon every registered letter originating in Sardinia or in any of the States of the Continent, and addressed to Malta, or originating in any of the States of the Continent, and forwarded by way of Sardinia, addressed to the United Kingdom, and for the sum of 9*d.* in addition to the postage due to the British Post Office upon every registered letter originating in Sardinia, or in any of the States of the Continent, and forwarded by way of Sardinia, addressed to any of the colonies enumerated in Article XVI (Malta excepted).

On its side, the British Post Office shall account to the Post Office of Sardinia for the sum of 30 centimes, in addition to the postage due to the Post Office of Sardinia, upon every registered letter originating in Malta, and addressed to Sardinia, or originating in colonies or countries beyond sea, and forwarded by way of the United Kingdom, addressed to Sardinia, and for the sum of 80 centimes in addition to the postage due to the Post Office of Sardinia, upon every registered letter originating in Malta, and addressed to the several States of the Continent, enumerated in Article XVI preceding, or originating in the United Kingdom, or in colonies or countries beyond sea, and forwarded by way of the United Kingdom, addressed to the said States.

XVIII. The respective Offices of Exchange shall divide the correspondence which they shall mutually exchange into as many distinct packets as there are different rates or special articles in the letter bills.

To each packet shall be attached a label showing the number of the article in the account, as well as the net weight or the amount of postage to be brought to account in respect to the matter covered by the label.

**XIX.** The labels which the respective Offices of Exchange shall make use of in virtue of the provisions of the previous Article shall be printed as follows :

1. On blue paper for paid correspondence.
2. On yellow paper for correspondence either unpaid or charged with transit postage.
3. And on white paper for matter giving rise to no account.

**XX.** In addition to the local and date stamp with which ordinary or registered letters exchanged between the respective offices must be marked, such of those letters as have been paid to their destination shall bear plainly impressed on the address another stamp with the initials P.D.

Book packets when paid to destination shall also bear the stamp P.D.

Articles of a like nature addressed to the colonies and countries beyond sea exchanged between the same offices and paid to their destination shall also be marked with the stamp P.D.

Those of the above mentioned articles which, in conformity with the Convention of the 12th December, 1857, must be forwarded on either side paid to some limit, shall be marked with the stamp bearing the initials P.P.

Registered letters forwarded from either side must be marked with a special stamp bearing the word "assicurato" or "registered."

Letters and book packets insufficiently paid must be marked with a stamp bearing the following words :

In Sardinia, "Francobolli insufficienti."

In England, "Insufficiently prepaid."

**XXI.** The correspondence returned either in consequence of mis-direction or of change of residence of the persons to whom the letters are addressed shall be entered nominally in the tables of the letter bills specially appropriated for the entry of such correspondence.

Mis-directed correspondence shall be tied up with a cross string and shall have a label attached bearing these words, "Mis-directed letters," or "Correspondances maldirigées."

Correspondence re-directed to persons who have gone away, or have left their address, shall also be tied with a cross string, and shall have a label bearing these words, "Re-directed owing change of residence," or "Correspondances ré-expédiées par changement de résidence."

**XXII.** The postage of all dead letters, which are to be mutually returned in conformity with Article XX of the Convention of 12th December, 1857, shall be allowed in discharge of the office which the said letters have been originally transmitted only

the state of their seals shall not lead to the supposition that the letters have been read by the persons to whom they are addressed, except, however, as regards letters which have been conveyed in transit, and which cannot be produced.

XXIII. Letters forwarded for the purpose of annoying or injuring the parties to whom they are addressed, the postage of which both offices are authorized to return to the public, even after they have been opened, may be included and admitted with the dead letters mutually returned.

XXIV. The Post Office of the United Kingdom shall prepare every month separate accounts exhibiting the results of the exchange of correspondence between the respective offices.

Such accounts shall be founded upon the acknowledgments of receipt of the respective offices during the month.

The separate accounts shall be immediately incorporated in a general account which shall exhibit the result of the exchange of correspondence whether in ordinary or closed mails during the month.

The separate and general accounts shall be made out according to the forms agreed upon (Q. and R.) which are annexed to the present regulations.

The general accounts shall be compared and settled by the two offices, and the balance shall be paid at the end of every quarter, either in British or French money, at the option of the office which shall be found to be indebted to the other.

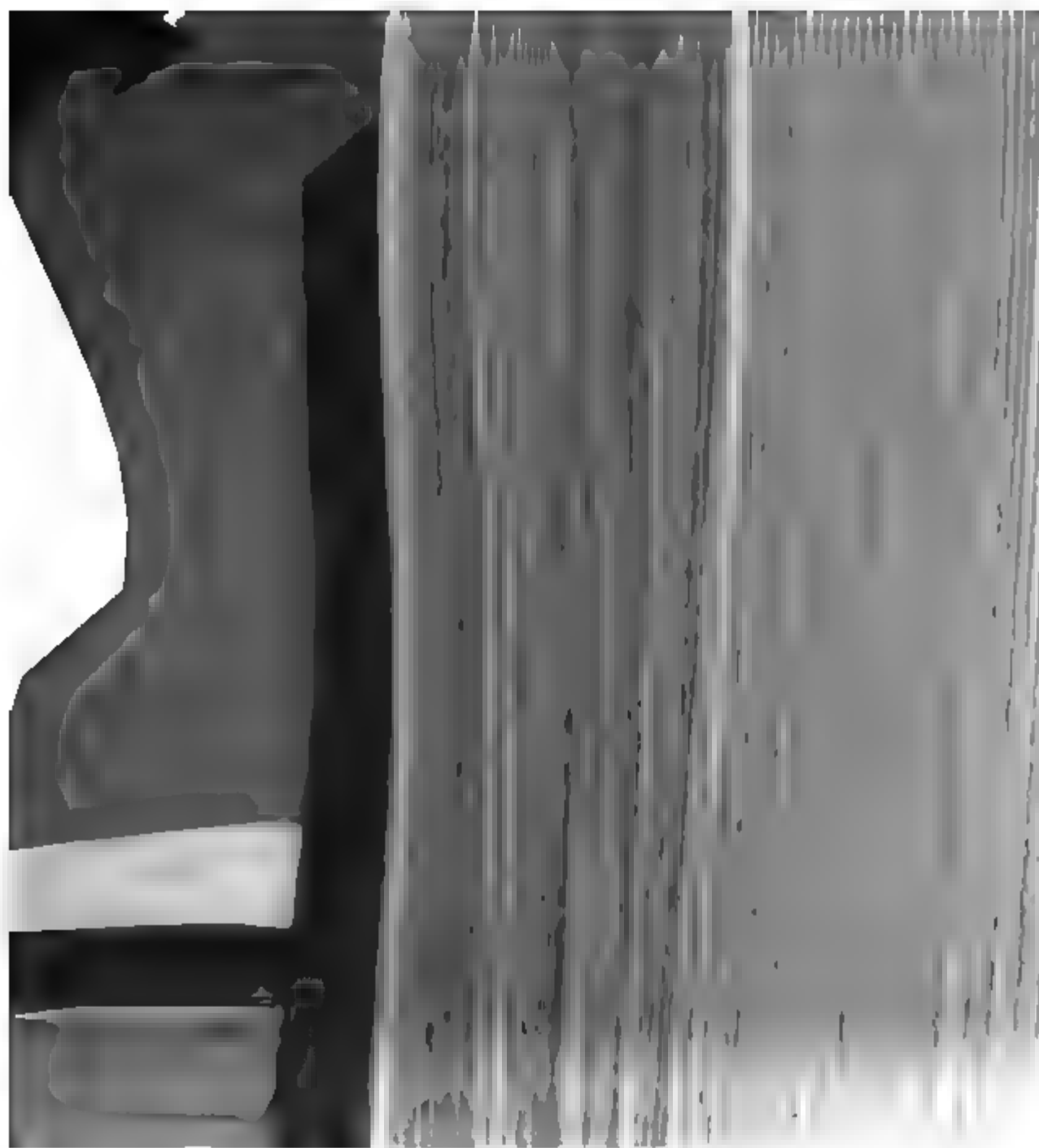
Done in duplicate, and signed in London the 24th December, 1857, and in Turin the 29th December, 1857.

(L.S.) ARGYLL.

(L.S.) A. DI MOVALI.

(A.)—List of the Towns in Sardinia, and of the Foreign Countries the Correspondence of which to and from the United Kingdom, and to and from Countries in transit through the United Kingdom, should be forwarded by Turin.

Number.	Towns.	Number.	Foreign Countries.
1	Turin.	1	Duchies of Parma and Placentia.
		2	Duchy of Modena, except Carrara and Massa.



List of the Towns in Sardinia, &c.—*continued.*

No.	Towns.	Provinces.	No.	Towns.	Provinces.
115	Staglieno ..	Genoa.	128	Torriglia ..	Genoa.
116	S. Antioco ..	Isle of Sardinia.	129	Tortoli .. ..	Isle of Sardini
117	S. Gavino ..	Isle of Sardinia.	130	Trataglias ..	Isle of Sardini
118	S. Lussurgin	Isle of Sardinia.	131	Tresnuraghes	Isle of Sardini
119	Sa. Margherita	Chiavari.	132	Uras .. ..	Isle of Sardini
120	S. Martino		133	Varazze.. ..	Savone.
	d'Alboro ..	Genoa.	134	Varese .. ..	Chiavari.
121	S. Pantaleo ..	Isle of Sardinia.	135	Varignano ..	Spezia.
122	S. Stefano		136	Vezzano ..	Spezia.
	d'Aveto ..	Chiavari.	137	Villacidro ..	Isle of Sardini
123	Tempio .. ..	Isle of Sardinia.	138	Villanova Mon-	
124	Tenlada.. ..	Isle of Sardinia.		telcone ..	Isle of Sardini
125	Tiesi .. ..	Isle of Sardinia.	139	Villasor.. ..	Isle of Sardini
126	Tonara .. ..	Isle of Sardinia.	140	Voltri .. ..	Genoa.
127	Torralba ..	Isle of Sardinia.	141	Zoagli .. ..	Chiavari.

## FOREIGN COUNTRIES.

- 1 Carrara and Massa (Duchy of Modena).
- 2 Tuscany.
- 3 The Papal States, except the Legations and Marshes.
- 4 The Kingdom of the Two Sicilies.

(C).—List of the Towns in Sardinia the Correspondence of which to and from the United Kingdom, and to and from Countries in transit through the United Kingdom, should be forwarded by Nice.

No.	Towns.	Provinces.	No.	Towns.	Provinces.
1	Bordighera ..	S. Remo.	19	Sospello	Nice.
2	Borgomaro ..	Oneille.	20	S. Martin du	
3	Breglio .. ..	Nice.		Var .. ..	Nice.
4	Ceriana .. ..	S. Remo.	21	S. Martin Lan-	
5	Contes .. ..	Nice.		tosia .. ..	Nice.
6	Diano-Marina	Oneille.	22	S. Remo ..	S. Remo.
7	Dolcaqua ..	S. Remo.	23	S. Stefano Ma-	
8	Guillaume ..	Nice.		rina .. ..	S. Remo.
9	Levenzo.. ..	Nice.	24	S. Stefano Mon-	
10	Mentone ..	Nice.		tagna .. ..	Nice.
11	Monaco .. ..	Principality of.	25	Taggia .. ..	S. Remo.
12	Nice .. ..	Nice.	26	Tenda .. ..	Nice.
13	Oneille .. ..	Oneille.	27	Triora .. ..	S. Remo.
14	Pieve (La) ..	Oneille.	28	Ventimiglia..	S. Remo.
15	Pujet-Théniers	Nice.	29	Villafranca	
16	Porto Morizio	Oneille.		Nizza.. ..	Nice.
17	Prela	Oneille.	30	Villa del Varo	Nice
18	Scarena	Nice.			

(D).—List of the Towns in Sardinia and of the Foreign Countries the Correspondence of which to and from the United Kingdom, and to and from Countries in transit through the United Kingdom, should be forwarded by Travelling Post Office on the Victor Emmanuel Railway.

Number.	Towns.	Number.	Foreign Countries.
1	All Towns in Sardinia, except those the correspondence of which should be forwarded by Nice, Turin, and Genoa.	1	Austria.
		2	Papal Legations and Marshes

(E.)—List of the Towns in England the Correspondence of which to and from Sardinia, and to and from Countries in transit through Sardinia, should be forwarded by Dover.

No.	Towns.	Counties.	No.	Towns.	Counties.
1	Ashford .. ..	Kent.	22	Lewisham .. ..	Kent.
2	Bidenden .. ..	Kent.	23	Maidstone .. ..	Kent.
3	Blackheath .. ..	Kent.	24	Margate .. ..	Kent.
4	Bromley .. ..	Kent.	25	New Romney .. ..	Kent.
5	Canterbury .. ..	Kent.	26	Queenborough .. ..	Kent.
6	Charlton .. ..	Kent.	27	Ramsgate .. ..	Kent.
7	Chatham .. ..	Kent.	28	Rigby .. ..	Surrey.
8	Cranbrook .. ..	Kent.	29	Rochester .. ..	Kent.
9	Croydon .. ..	Surrey.	30	Rye .. ..	Sussex.
10	Deal .. ..	Kent.	31	Sandwich .. ..	Kent.
11	Deptford .. ..	Kent.	32	Sheerness .. ..	Kent.
12	Dover .. ..	Kent.	33	Shooters Hill .. ..	Kent.
13	East Grinstead .. ..	Sussex.	34	Sittingbourne .. ..	Kent.
14	Edenbridge .. ..	Kent.	35	Staplehurst .. ..	Kent.
15	Faversham .. ..	Kent.	36	St. Leonards .. ..	Sussex.
16	Folkestone .. ..	Kent.	37	Tenterden .. ..	Kent.
17	Gravesend .. ..	Kent.	38	Tunbridge .. ..	Kent.
18	Greenwich .. ..	Kent.	39	Tunbridge Wells .. ..	Kent.
19	Hastings .. ..	Sussex.	40	Walmer .. ..	Kent.
20	Hythe .. ..	Kent.	41	Wingham .. ..	Kent.
21	Lee .. ..	Kent.	42	Woolwich .. ..	Kent.

(F.)—List of the Countries and Colonies the Correspondence of which to and from Sardinia, and to and from countries in transit through Sardinia, should be forwarded by London.

Number.	Names of the Countries.	Number.	Names of the Countries.
1	The United Kingdom of Great Britain and Ireland (with the exception of the towns enumerated in Table E.)	18	Guiana, British.
2	Africa, West Coast of.	19	Honduras.
3	Antigua.	20	Jamaica.
4	Australia, via England.	21	Montserrat.
5	Bahamas.	22	Mauritius.
6	Barbadoes.	23	Nevis.
7	Bermuda.	24	New Brunswick.
8	Bolivia.	25	Newfoundland.
9	Brazil and River Plate.	26	Nova Scotia.
10	Canada.	27	New South Wales.
11	Carriacou.	28	New Granada.
12	Central America, States of.	29	Peru.
13	Chili.	30	Prince Edward Island.
14	Countries beyond sea generally.	31	St. Christopher (St. Kitts).
15	Dominica.	32	St. Lucia.
16	Equator, Republic of.	33	St. Vincent.
17	Grenada.	34	Tasmania.
		35	Tobago.
		36	Tortola.
		37	Trinidad.
		38	United States of America.

(G).—TABLE showing the Conditions on which shall be exchanged in Ordinary Mails between the British Post Office and the Post Office of Sardinia Ordinary Letters, despatched from the Countries the Correspondence of which is transmitted through Great Britain for Sardinia, and Countries *via* Sardinia, and *vice versa*.

\*. The rates specified in Columns 4, 5, 10, and 11 of this Table, increase for letters exceeding the weight of 7½ grammes according to two different principles. The sum of 1d., or 10 centimes out of each rate, is chargeable for every 7½ grammes or fraction of 7½ grammes, and the remaining portion of each rate increases by the following scale:—  
Up to the weight of 15 grammes ... .. One rate.  
From 15 to 30 grammes ... .. Two rates.  
From 30 to 60 grammes ... .. Four rates.  
From 60 to 90 grammes ... .. Six rates.  
And so on, adding two rates for every 30 grammes.

COUNTRIES.	Letters delivered by the British Office to the Office of Sardinia.				Letters delivered by the Office of Sardinia to the British Office.			
	Regulation as to Payment in advance.	To what Limit.	Rate of Postage to be paid by the Office of Sardinia to the Office of Sardinia for unpaid Letters.		Regulation as to Payment in advance.	To what Limit.	Rate of Postage to be paid by the Office of Sardinia to the Office of Sardinia for unpaid Letters.	
			Amount in British Money.	Amount in Francs and Centimes.			Amount in British Money.	Amount in Francs and Centimes.
1.	2.	3.	4.*	5.*	6.	7.	8.	9.
			s. d.	£ c.	£ c.		s. d.	£ c.
Antigua, Bahamas, Barbados, Bermuda, Carriscon, Dominica, Grenada, Guadeloupe, British Guiana, Honduras, Montserrat, Nevis, St. Christopher (St. Kitt's), St. Lucia, St. Vincent, Tobago, Jamaica, Trinidad, Canada, Nova Scotia, } <i>via</i> Halifax, New Brunswick, } <i>via</i> United Prince Edward Is. } <i>via</i> United States, land ... .. } Cape of Good Hope ... .. } Ascension, Gambia, Natal, Falkland Islands ... .. }	Optional	Destination ...	0 6	0 00	0 20	The same rate as for paid letters coming from England.	0 6	0 00
	Do.	Do.	0 6	0 00	0 20	Do.	0 6	0 00
	Do.	Do.	0 6	0 80	0 20	Do.	0 6	0 80
	Do.	Do.	0 6	0 00	0 20	Do.	0 6	0 00
	Compulsory	Port of Embarkation	0 6	0 00	...	...	0 6	0 00
	Do.	Do.	0 6	0 00	...	...	0 6	0 00
	Optional	Destination ...	0 6	0 00	0 20	The same rate as for paid letters coming from England.	0 6	0 00
	Compulsory	Port of Embarkation	1 0	1 20	...	...	1 0	1 20
Accra, Gold Coast, St. Helena, Sierra Leone ... ..	Optional	Destination ...	0 6	0 00	0 20	The same rate as for paid letters coming from England.	0 6	0 00
Badagry, Bonny, Cameroons, Fernando Po, Goree, Lagos, Liberia, New Granada, Old Calabar, Venezuela, Wydah.	Compulsory	Port of Embarkation	1 0	1 20	...	...	1 0	1 20

\* In addition to the rates set down in Columns 4 and 5 of this Table, the Office of Sardinia must account to the British Office at the rate of 1 franc per 30 grammes, net weight, in repayment of the French transit rate.





(H).—TABLE showing the Conditions on which shall be exchanged in Ordinary Mails between the Post Office of Sardinia and the British Post Office Ordinary Letters dispatched from the Foreign Countries, the Correspondence of which is transmitted through Sardinia for Great Britain, and vice versa. In addition to the Rates set down in Column 5 of this Table the British Office must account to the Office of Sardinia at the Rate of One Franc per Thirty Grammes, net weight, in Repayment of the French Transit Rate.

FOREIGN COUNTRIES.	Letters delivered by the Office of Sardinia to the British Office.				Letters delivered by the British Office to the Office of Sardinia.			
	Regulation as to Payment in Advance.	To what Limit.	Rate of Postage per single letter to be paid by the Office of Sardinia to the British Office for paid letters.	Rate of Postage per single letter to be paid by the British Office to the Office of Sardinia for unpaid letters.	Regulation as to Payment in Advance.	To what Limit.	Rate of Postage per single letter to be paid by the Office of Sardinia to the British Office for unpaid letters.	Rate of Postage per single letter to be paid by the British Office to the Office of Sardinia for paid letters.
	1.	2.	3.	4.	5.	6.	7.	8.
Austria ..	Optional	Destination	f. c.	f. c.	Optional	Destination	f. c.	f. c.
Parma ..	Optional	Destination	0 20	0 20	Optional	Destination	0 20	0 20
Modena ..	Optional	Destination	0 20	0 20	Optional	Destination	0 20	0 20
Tuscany ..	Optional	Destination	0 20	0 20	Optional	Destination	0 20	0 20
Papal States ..	Compulsory	Point of entering Sardinia	0 10	0 10	Payment in advance is not allowed.			—
Two Sicilies ..	Compulsory	Point of entering Sardinia		0 10	Payment in advance is not allowed.			—
Countries beyond Sea ..	Compulsory.	Port of Embarkation	..	0 20	Compulsory	Port of Disembarkation	..	0 20

(I).—Table showing the Rates of Postage to be paid by the Post Office of Sardinia to the British Post Office upon Paid Letters and Book Packets despatched from Sardinia, viâ Malta, to the under-mentioned Countries, and upon Unpaid Letters and Book Packets despatched from those Countries viâ Malta to Sardinia.

COUNTRIES.	Paid Letters and Book Packets despatched from Sardinia to Malta.		Unpaid Letters and Book Packets despatched from Malta to Sardinia.	
	Rate per single Letter for Letters.	Rate per kilogramme for Book Packets.	Rate per single Letter for Letters.	Rate per kilogramme for Book Packets.
	f. c.	f. c.	f. c.	f. c.
East Indies ..	0 67½	2 80	0 77½	2 80
Australia ..	0 67½	2 80	0 77½	2 80
China .. ..	0 67½	2 80	0 77½	2 80

foreign vessel the register or other papers deposited with him, he shall require the production of a clearance from the collector of The United States' Customs at the port of the vessel's entry."

It seems that if a foreign Consul violate this provision, he is liable to be tried by the Supreme Court, and on conviction, to be fined from 500 to 5,000 dollars.

Her Majesty's Consul states further, that it is necessary to consider the case of an American or other non-British vessel bearing a recognized flag, which may be desirous of sailing to a British port, having on board cargo the whole or part of which is the property of a British subject.

Lastly, the Consul adverts to the question of the legality of the payment of duties by a British ship to the *de facto* collector of the State of South Carolina, in the absence of a collector of The United States, and upon the requirements of such *de facto* collector.

I do not think it necessary to make any suggestions of my own as to the measures required with regard to these several points. I take it for granted that the Government of The United States will never exact penalties, nor allow foreign vessels to be subjected to detention or inconvenience in consequence of a non-compliance with formalities or non-payment of duties in cases such as those mentioned above, in which compliance or payment has become impossible.

I limit myself to earnestly requesting that Government to give me without delay such information respecting its wishes and intentions as may enable me to give definite instructions to Her Majesty's Consul at Charleston, and to remove any apprehension which may exist that the abolition *de facto* of The United States' Custom-Houses in South Carolina will be allowed to subject British vessels and British commerce to loss, injury, or inconvenience.

In the confidence that you will do me the honour to answer this note at your earliest convenience, I remain, &c.

Judge Black.

LYONS.

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No. 2. Lord Lyons to Judge Black.

SIR,

Washington, January 7, 1861.

I HAVE received official information from Her Majesty's Consul for South Carolina, that the *de facto* authorities of that State have extinguished the lighthouse, burned, or otherwise destroyed the 3 beacons, withdrawn the light-ship, and removed the buoys which served as guides to the entrance of the harbour of Charleston. The Consul observes that there is, in consequence, every probability that British ships bound to that harbour, or passing it on their voyage to other places, may get into serious trouble, and that much loss of life and property may ensue.

As regards vessels desiring to leave the harbour, the Consul observes that the case is but little different. Pilots, he says, might indeed be found to take such vessels out, but should any accident happen, it is, he thinks, to be apprehended that the insurance companies would refuse compensation; and thus, he believes, few masters would feel justified in running the risk.

I do not doubt that information of this state of things has already reached the Government of The United States, and that such measures as circumstances admit of have been taken, either to cause the lights, beacons, and buoys to be replaced, or at all events to warn vessels approaching Charleston of their danger.

My object in addressing you is, in the first place, to free Her Majesty's Consul for South Carolina and myself from all responsibility for any loss of life and property which may unhappily accrue; in the second place, to obtain on the highest authority, and as soon as possible, such information respecting the measures taken in the matter as may allay the anxiety of British subjects.

I have, &c.

*Judge Black.*

LYONS.

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*No. 3.—Judge Black to Lord Lyons.*

MY LORD, *Department of State, Washington, January 10, 1861.*

I HAVE had the honour to receive your Lordship's two notes, dated respectively the 31st ultimo and the 7th instant. I have laid them before the President, who directs me to say in reply that he deeply regrets that any injury should happen to the commerce of foreign and friendly nations, and especially that British subjects who are engaged in lawful trade at the port of Charleston should suffer, in consequence of the anomalous state of things which has existed there for a short time past.

It is impossible for this Government to regard the assumption by South Carolina of authority to regulate foreign commerce, and exact duties upon imports, as anything more than one of those acts of sudden and lawless violence by which all Governments are more or less liable to be occasionally disturbed in the exercise of their proper functions.

In your Lordship's first note several cases are put, and you request me to furnish such information respecting them as will enable you to give definite instructions to Her Majesty's Consul at Charleston. The points thus raised will be answered as fully as in the nature of things this Government can speak of events which have not yet occurred.

The jurisdiction of the Federal Government to regulate trade with foreign nations, and to impose duties on goods imported into The United States is exclusive. Congress, as you are fully aware, exercised this power by passing laws which clearly define the duties,

rights, and liabilities of foreigners engaged in that business. This Government cannot acknowledge any standard or legality, or any rule of conduct, other than those prescribed in the statutes referred to. It necessarily follows from this that payment of duties to a person who is not the proper officer of The United States, and authorized by the laws of The United States, to receive them, will be a mispayment. Nor can a clearance which may be obtained contrary to those laws be regarded as valid by the Federal authorities.

Whether the state of things now existing at Charleston will, or will not, be regarded as a sufficient reason for not exacting the penalties which may be incurred by British subjects is a question which I am very sure you will see the necessity of reserving until it practically arises. It seems to me impossible to deal with it in the abstract, or to lay down any general rule at this moment which might not be misinterpreted hereafter. Each case will, no doubt, have its own peculiarities. The degree of restraint under which the party who violates the law may be compelled to act at the time, and what amount of coercive power South Carolina will bring to bear upon the masters of vessels, or the consignees of cargoes, are facts which may have some influence, but cannot be ascertained now.

I regret that these considerations compel me to decline giving any assurance concerning the intention of the President in regard to the supposed cases you speak of.

Your Lordship's motive in making the inquiry is fully appreciated. Any uncertainty on such a subject is in itself an evil which ought to be removed if it could be. But the reliance which your Lordship cannot but feel in the justice of this Government will, no doubt, quiet all apprehension of ultimate wrong to British subjects, if such wrong can possibly be avoided.

In reply to your Lordship's second note, which concerns the extinguishment of the lights, the destruction of the beacons, the removal of the buoys, &c, which serve as guides to the entrance of the harbour of Charleston, I am unable to say more at the present moment than that notice will be given by the Treasury Department of the condition in which these acts of South Carolina have put the coast.

I avail, &c.

Lord Lyons

J. S. BLACK.

*MESSAGE of the President of Nicaragua, on the Opening of the Legislative Congress.—San José, January 16, 1861.*

(Translation.)

HONOURABLE SENATORS AND DEPUTIES,

THIS is a day of rejoicing for Nicaragua, for she has been anxiously expecting your meeting, and much more so for me who have the honour to find myself among you.

I congratulate you cordially, and I trust that the Supreme Legislator may bestow His blessing on your resolutions, in order that the results of your deliberations may be in accordance with the general wishes.

I feel a redoubled pleasure in being able to tell you that the Republic is in perfect peace, and that liberty and order go hand in hand, in the midst of general confidence. Under the evident direction of Providence, I attribute the actual state of things to the peaceful and conciliatory programme that I have constantly followed.

If peace be a great boon for all nations, Gentlemen, it is a vast and inestimable one for Nicaragua, as our enemies are constantly on the watch in order to seize every opportunity of turning our dissensions to their own advantage.

Under the beneficent influence of peace, the country has improved as much as has been possible after its almost complete annihilation.

The Government, I have the honour to state, does all in its power to promote progress everywhere, for in the state of misery and distrust in which we found ourselves, after the late war, it was not enough that the Government should be on the watch, it became necessary both by direct and indirect means to give impulse to the useful undertakings of the country. One example of this is the valuable plant, coffee, which is now cultivated in abundance, owing to the privileges you conceded to it, and also owing to the exemptions which have been granted to the cultivators. Thus it is in other matters; but I do not mean to say that the people are doing nothing of themselves, far from it, for if the situation of Nicaragua when the war terminated, be called to mind, and compared with what it is at present, all must be convinced that our population is laborious in an eminent degree.

The formation of roads was commenced last year, with the difficulties that great undertakings always encounter at first. One of these difficulties is, that in some quarters, the annual contribution of 3 days' labour is regarded with ill will. I am of opinion that it is expedient to diminish it, and to prosecute the undertaking with constancy, with the assistance of the whole power of the Government. We are giving a wretched idea to foreigners who pass from one to another of our principal cities, and neither progress nor civilization will ever penetrate as they ought to do through our dangerous pathways: facilities of communication are the channels of life for all communities, like unto the arteries of the human body. Fix, therefore, your attention on this interesting subject, and do not omit to facilitate the undertaking.

Primary instruction, one of the greatest necessities for all

societies, especially Republics, is not developed with us, as we could wish. The funds destined for this object are very small in amount, and consequently the schools, being badly endowed, are not furnished in all places with competent masters. Hence the instruction is imperfect and the progress slow, whilst those individuals who possess the means, resort rather to private instruction. The movement of civilization of the present age is too rapid for us to be able to resist it; it behoves us to move forward also, and it belongs to you to facilitate the impulse.

Our bodies of militia owing to immense efforts are formed, and we can state for the first time that the Government of Nicaragua can reckon upon an army of 7,000 soldiers.

The formation of battalions was not concluded when Walker invaded Honduras, and Nicaragua, without causing alarm, raised the present militia in a very few days, and prepared for the defence of our nationality. My desire now is to complete the work by disciplining the force, and as we have made a beginning with so good a result, I flatter myself that in a short time we shall have accomplished that desirable object.

The public finances go on improving from day to day, for, being convinced that these form the vital principle of the State, I have devoted my constant attention to them. The enormous debt which presses on them, and the firm intention of maintaining our credit, which is the basis of national wealth, have nullified the Customs, and even other branches of Revenue, so that we have been passing through a long and protracted crisis. Notwithstanding this, there has been no necessity for decreeing loans excepting an exceedingly moderate one to contribute to the expenses of the war when forces were raised against the last attempt of Walker. So far from this, all arrears due to the troops during the national campaign have been paid in hard cash, and the day has been fixed for paying the first dividend to the officers, so that I trust that in a very short time our financial position will be a more favourable one. But the progress of this department will always be imperfect, so long as we have no mint, for we are subject to continual losses by the introduction of moneys, and our mineral riches now go to be fabricated abroad. A nation can hardly be said to be worthy of that name, when she has no currency to represent her in commerce, and, therefore, I implore you to give this object your attention, as one of those that tend most to our aggrandizement.

In proportion as peace has been secured in the interior, our credit has been increasing in foreign countries. We preserve our good relations with all the Powers, and with several of them we have Treaties of Amity and Commerce. Already those we have concluded with France and England have been ratified, as also a Convention with the last-

named country relative to the question of Mosquito. In virtue thereof, a Commissioner was named on our part to receive the Port of San Juan del Norte, and the territory formerly disputed, and at the same time he carries instructions to ascertain and indicate the best method of governing the inhabitants of the port, because as the greater part of them are foreigners, it becomes expedient to preserve their usages and customs.

I am sorry to have to announce to you that the Treaty with the Government of The United States has not been concluded, for the Senate of that nation would not accept it without modifying one of its Articles. As by reason of that modification it had to be again submitted to your consideration, the Senate fixed a new term for the exchange, which expired before the day appointed by law for your re-assembling. To meet this difficulty and being desirous of connecting our country with all the Powers, there was an intention of convoking you extraordinarily, but the invasion of Honduras by the Filibusters, which Nicaragua had good reason to suppose was directed towards her, quite dispelled the idea, as it would have been impossible to carry it out when we were about to devote ourselves to the defence of the nation. Such being the case, it was deemed expedient to instruct our Minister in The United States to explain the matter, and to show the necessity of proroguing the term fixed on, but I have learnt with great regret that the reply given thereto is that the President of that Republic does not possess the power of making such a stipulation. Much as it is to be regretted that 5 Treaties concluded at different periods and ratified by Nicaragua, have not been passed in the Senate of The United States, it would be still more so, if this were to share the same fate, for our commerce and industry are now more than ever in want of Treaties with maritime nations.

Our relations with the Central American Governments excepting one alone, are as cordial as they naturally ought to be between members of the same family, a family divided, it is true, either from inexperience or fatality, but one day to be reunited, for all things are in common to it, and the family itself feels and wishes it to be so, trusting that the inevitable current of events will lead to that consummation.

On receiving the intelligence that Honduras was invaded by the Filibusters, Nicaragua considered herself invaded also, and we Nicaraguans were ready to share the danger with our brethren, had it not been that the first efforts of Honduras and Guatemala, supported by the authorities of Belize, and by the naval force of Her Britannic Majesty on those coasts, were quite sufficient to annihilate the invader.

About the same time, Costa Rica was the theatre of terrible  
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events, in consequence of an invasion headed by Generals Don Juan R. Mora and Don J. Maria Cañas, which events, lamented as they are by every Central American, induced me to implore mercy in favour of the vanquished, and of the families of those who perished in the expedition. I had the satisfaction to learn that the Supreme Chief of that Republic had acted with generosity even before receiving my interposition, thus giving a proof of the high opinion I had formed of his character.

I have previously stated that it is only with one Government that we do not maintain relations: it is that of Salvador, which, without any just motive, closed them so definitively that when Central America was invaded, and our Government invited that of Salvador to prepare for defence, only an indirect reply was given that the relations with us had been closed beforehand. The President of Salvador, doubtless ill-informed, thought that some of his political enemies, who had sought an asylum in this country, were plotting a revolution against him on the western frontier, which belief induced him to address several reclamations, notwithstanding that this Government had directed the emigrants to retire to the interior, and the exercise of proper vigilance, so that our neutrality should not be infringed.

Subsequently certain papers, offensive to the same President, have been published, and they are attributed to those emigrants; for which reason he demanded that such publications should be prohibited, and as his demand was not complied with, because it could not be complied with, that delegate had recourse to the extreme measure already referred to.

On our part we would not have denied anything possible to the ruler of a Republic, sister to our own; but he asked from us an impossibility, in asking us to suppress the liberty of the press, hence his request could not be complied with.

The respective Ministers will furnish you with a detailed account of all the departments of the administration, as I have scarcely contributed one stroke of the pen thereto.

Sovereign Congress,—you represent a nation small in extent, but great by its position, great by its misfortunes, and one which will be very great hereafter. The illustrious members of whom you are composed are a guarantee for your enactments. Enter calmly then upon your important labours, in order that from this day you may begin to remove the obstacles that have impeded the progressive march of the country.

TOMAS MARTINEZ.

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*MESSAGE of the President of Guatemala, on the Opening of the Chamber of Representatives.—Guatemala, November 25, 1861.*

(Translation.)

GENTLEMEN REPRESENTATIVES,

I CONGRATULATE you sincerely on seeing you assembled for the purpose of giving your attention to the important objects of your annual session, an incident ever grateful to me, and which encourages and gives me strength to meet the difficulties of Government, because I always rely on the support which I have constantly met with from this respectable Chamber.

Since your last meeting no remarkable event has occurred; our people feel every day more security in the well-being which they derive from a state of internal tranquillity. Our foreign relations have been maintained on the best footing, and the Government frequently receives from friendly nations testimonies of consideration and esteem.

It has recently been communicated to me that Her Majesty the Queen of Great Britain has been pleased to confer on her representative in this Republic, a more elevated diplomatic character than that which he had hitherto held, a measure dictated by a feeling of friendship and consideration which I fully appreciate.

The only disagreeable incident which has occurred as regards our foreign relations, has been occasioned by an event that took place in the Mexican Republic at the beginning of the present year, and which it is my duty to communicate to you. As a proof of friendship and consideration towards that neighbouring country, and also with the desire of taking advantage of any interval of peace, in order to discuss and arrange the claims, which have been pending during so many years, arising from the annexation of Chiapas and Soconusco to that Republic, a representative from Guatemala has resided for a long time in Mexico with the character of Envoy Extraordinary and Minister Plenipotentiary. At the beginning of the present year a notification was made to him that he must leave the Republic; the reason given for that resolution being, that due neutrality had not been observed in acknowledging the Government which exercised power in the capital, after the changes which took place in the year 1858, and which originated the civil war which has lasted up to the present time. That event which was communicated officially to our Minister in The United States by the representative of the Mexican Republic, was not communicated to this Government until two months had elapsed. Our Minister continued his relations with the existing Government in Mexico, as had always been done during the frequent changes which have taken place in that Republic; and in the act

of continuing them without attempting to express an opinion of the legality or illegality of those changes, he had observed the requisite neutrality, proceeding in perfect harmony with the other foreign representatives, to whom, notwithstanding, the measure taken in regard to our Minister was not extended. Although the Mexican Government has repeatedly declared that the demonstration made to Señor Barrio was to be considered as purely personal, satisfied as I am with the conduct of that Minister which has been entirely regulated by the duties which his diplomatic character imposed on him, and feeling assured that there was no just reason for any want of that consideration towards him which, during his long residence in that country, he had merited, I have been unable to form any other opinion than that the resolution taken by that Government was both in substance and form of an unfriendly character. This has been communicated officially on our part, on accepting the assurances which were given to us, that a continuation of friendly relations with this country was desired on their part. It is also my desire that they be continued on the same footing as they were previously to these events; and I hope that when once things become settled there, it will be acknowledged that we have received an undeserved offence which requires reparation.

This incident has given occasion for an announcement to the Government, and it has even been declared by the actual President of the Mexican Republic, by a solemn act, that there was a complaint against Guatemala for questions relating to the frontier of Chiapas.

This Government not only has given no cause for complaint but rather has respected the painful position in which Mexico now finds herself, and has passed unnoticed the provocations on the part of the local authority of Chiapas, with the hope that, when peace shall be re-established in that country, justice will be done to our moderation.

The negotiation pending with the Government of Her Most Catholic Majesty for the adjustment of a Treaty remains in the same situation as it was when you opened your last sittings. The question regarding the nationality of the children of Spaniards born in the Spanish American Republics, which is the sole obstacle that opposes itself to the satisfactory conclusion of the pending negotiation, now begins to attract attention in Spain, and to be discussed by the press, showing that public opinion is becoming settled in regard to the expediency of allowing this question to be regulated by the arrangements that are in force in the respective countries, which, besides being just and rational, is more in conformity with the real and permanent interests, both of Spain and of the States which were her colonies.

I entertain the hope that, at last, the necessity will be recognized, of putting an end, in this sense, to the questions which have hitherto deferred the adjustment of solemn Conventions, by which the maintenance of the ties which should unite the two nations may be guaranteed and secured.

Our close and cordial relations are happily preserved with the sister Republics of Salvador, Honduras, Nicaragua, and Costa Rica.

A disagreeable question which might have caused results fatal to the maintenance of peace and order, arose a short time since between the Government of Honduras and the ecclesiastical vicar of that diocese.

At the request of that Government I recommended to our worthy metropolitan prelate that he should be pleased to adopt such measures as his zeal might suggest to him, and such as might put an end to those disagreements, equally prejudicial to the Church and to the State. The means adopted by the most reverend the Archbishop did, in effect, put a stop to those questions, and tranquillity was restored to the consciences of the inhabitants of that Republic.

The Holy See has approved of these measures, and has conferred the diocese of Honduras on a prelate whose virtues and character give hopes that he will conciliate the respect and love of the people, and that no further perturbation of tranquillity will occur between the ecclesiastical and civil authorities, which last have, on their part, attended to the just complaints of the church.

These occurrences, and some revolutionary movements which they occasioned in the towns of Honduras on the frontiers of Salvador, gave rise to some differences between the Governments of those two Republics, owing to the fugitives from the former State seeking asylum within the territory of the latter; and also to the assistance which they endeavoured to procure, notwithstanding the measures taken by the Government of Salvador for the prevention of such abuses. These measures having taken due effect, the Government of Honduras restored tranquillity to those towns, and a good understanding was established between it and the Republic of Salvador, for which purpose I also interposed my friendly mediation, and it was respected.

As regards the interior of our Republic, it is gratifying on this occasion to contemplate its increasing prosperity, and the order and regularity which reign therein.

Ten years have now passed since the Constitutive Act was sanctioned, the completion of the regeneration effected in the midst of so many convulsions and disasters. This had the effect of

placing the law in harmony with facts, and the sure result thereof has been peace, security, unity of feeling, the stability and the confidence which constitute our present well-being. The Government has since then gone on without obstacle and with regularity. Invested with those powers that are necessary and essential to the object of its institution, there has been no necessity for an appeal to dictatorships concealed under deceitful forms, nor to extraordinary and especial authorizations. Not only has provision been made for every incident of common occurrence, but also for unforeseen events, and conflicts which have supervened, and that without those exigencies and violences which in other periods had become habitual. In presence of the Representatives and of the whole country, I can affirm that the exercise of this authority which has appeared excessive, compared with the former rule of restrictions and of suspicious vigilance over the Government, has succeeded in securing that which could not be obtained by means so little conformable to the administrative principles adopted in countries more advanced than ours. Indeed, Gentlemen, admitting the facts, it becomes necessary to admit that the Government which rules our country is in accordance with public opinion; and that, proceeding with justice and equity, we have succeeded in establishing a practical and positive liberty; the security of persons and property, and the most extended legitimate exercise of individual rights.

Every one is respected in his condition and in his rights, and the Government, making it a sacred duty to adopt the opinions of the people in general, cannot exercise oppression over the persons or over the conscience of any one. I say this without vain glory, because the Government is not composed of me alone, but of yourselves and of the rest of the authorities, whose action finds itself so combined that no act of the Government can be carried into effect without mature and lengthened deliberation; nor can it emanate, as is the case with declared or occult dictatorships, from the inconsiderate will of one man alone.

The regular and periodical meeting of this Chamber which takes place spontaneously every year, and the spirit of rectitude and real public interest which presides over your resolutions, prove that you are actually representing the country for the object of promoting its improvement and amelioration, and not to submerge it in calamitous discords and wars. In contemplating the lamentable position in which the countries that surround us now find themselves, we can the better appreciate the benefits that we receive from the protection which the Almighty vouchsafes to us. In acknowledging this in your presence, and in expressing to you the satisfaction which I feel on seeing our country happy and free, I do not

wish to conceal or to disavow the imperfections of the public administration, which I have not omitted to represent to you every year. Yet I can assure you that my efforts and those of the persons who assist me in the Government are constant and laborious for the improvement of every department; and that if the progress is not so rapid as we all wish, it is because it does not depend on our will to impart that degree of celerity with which we would wish to proceed in order to remove the obstacles of every kind which impede it.

As I informed you last year, the administration of justice, and of the municipalities, and the arrangements regarding financial and military matters all require further improvement. We see abuses disappearing, although slowly, and I trust we shall continue to form the elements which we still require in every branch, in order to provide for the public necessities. Commerce and agriculture have suffered this year considerably on account of the deficient crop of cochineal, and of the depression in price which that article has suffered in foreign markets. This misfortune ought to admonish us of the necessity which exists of obtaining other articles of exportation.

The Government not only takes care that the enactments passed by the Chamber for the purpose of encouraging the cultivation of coffee and of the sugar cane are carried out, but also devotes its attention to the roads and ports, considering that the principal impulse that can be given to that and to other sources of public riches, is the removal of the obstacles which oppose their development and progress.

In virtue of the authority granted by the Chamber last year to appropriate funds to the improvement of roads and ports, a road is forming from Totonicapam to Tecpan-Guatemala, which is to join that which is now in use from old Guatemala to this capital, thus putting it in easy communication with the important departments of Los Altos. The works for the introduction of drinkable water for the inhabitants of the port of San José are in a forward state; without that improvement, of prime necessity, that port will not be able to make the progress required by the importance which it is destined to attain. Unexpected obstacles, which the Government has been unable to overcome, have hindered the construction and erection of piers at San José and San Luis, an undertaking for which such liberal concessions have been made as appeared necessary to those who proposed to carry it out. The Government has not ceased its efforts for the execution of this important and necessary work, and trusts that finally the obstacles will disappear which have hitherto retarded it.

Another of the subjects which engages its chief attention is the improvement of the education of all classes of our society.

The very necessities of administration require that men be formed fitted for discharging the public duties, but the habits and customs under which this country has been constituted and still exists raises many obstacles on this point. No exact notions are yet formed of what constitutes a systematic and judicious education, which modifies nature and forms or brings to perfection the manners and genius of the country in the more enlightened nations, and thus constitutes the nationality and civilization of the people. It is necessary, therefore, that while recognizing the duties which involve the necessity of governing ourselves, we attend to the utility and expediency of forming national establishments in which this work may be begun, which time will afterwards complete. On this important matter the Government intends to introduce a measure to the Chamber in due time.

The public finances continue improving, and the revenue is increasing in the ratio that the Chamber will perceive by the documents that are to be presented by the Minister of that Department.

During the last year the debt has diminished considerably, and the credit of the Government has been maintained, and it becomes more consolidated every day. The estimated amount of expenditure and revenue for the next year, will also be submitted to the Chamber, with all the data necessary to enable it to proceed in this affair with an exact knowledge of the resources on which we can reckon for providing for the necessities of the public service.

On concluding, Gentlemen Representatives, I have to repeat to you the security with which I reckon upon your patriotic and enlightened co-operation, in order that we may, by the blessing of Providence, which we have hitherto enjoyed, continue our labour for the welfare and prosperity of the country which has placed its confidence in us.

Government Palace, Guatemala, November 25, 1861.

RAFAEL CARRERA

*DISCOURS de la Reine de Tahiti, à l'Ouverture de l'Assemblée Législative.—Tahiti, le 17 Décembre, 1861.*

MESSIEURS LES DEPUTES,

JE suis heureuse de voir assemblés pour la première fois, dans le palais de la Fare Apooraa, les députés de la grande famille Taitienne. En requérant le dévouement que vous devez à l'Empereur de la grande nation qui nous protège, et à moi, votre Reine, nous avons comme les autres années, un grand et noble but, celui

de hâter, dans la voie d'un progrès civilisateur, les pas encore chancelants de notre jeune nation. Je constate avec plaisir que depuis la dernière session, cet élan vers le bien que vous allez rendre encore plus durable, a produit de grands résultats dont bénéficieront certainement nos descendants. Nos enfants auront désormais la garantie d'un avenir heureux, grâce à l'éducation et à l'instruction qui leur sont assurées et dont nous pouvons constater déjà les remarquables influences. Je suis très contente des instituteurs Français envoyés à Papeete, et je désire sincèrement que vous leur confiez l'instruction de tous les enfants de mon peuple. L'étude de la langue Française, qui deviendra bientôt notre langue usuelle, assurera, à jamais, l'intimité de nos relations avec les Français, en nous approchant encore de la réalisation du vœu que nous faisons de voir la population de ces îles l'égale des nations auxquelles la civilisation et un gouvernement éclairé donnent un rang marqué et honorable parmi toutes les autres.

D'après mon ordonnance du 5 Août dernier, le sol, aux environs de Papeete, va pouvoir être livré au travail, et, secondé par la nature généreuse de notre climat, apporter le bien-être et l'abondance dans notre capitale. Pour vous montrer à la hauteur de vos hautes fonctions, seconde, M.M. les Députés, les efforts que le Commissaire de S. M. l'Empereur et moi faisons pour le bien du pays.

Vous savez que, par l'Acte du Protectorat le règlement de toutes les affaires concernant les Français et étrangers est dévolu au Gouvernement protecteur, mais il vous reste la tâche assez laborieuse de vous occuper de vos propres affaires. Je saisis cette occasion de remercier M. le Commissaire Impérial de l'intérêt qu'il veut bien nous porter et des sages conseils dont il ne cesse d'aider la gestion du gouvernement des districts. Je vous engage à prêter le plus sérieux examen aux projets de loi qui vous seront présentés. Je compte toujours sur votre dévouement à votre Reine et à notre Empereur.

Vive l'Empercur !

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*DISCOURS du Commandant, Commissaire Impérial, à l'Ouverture de l'Assemblée Législative par la Reine de Tahiti.—  
Tahiti, le 17 Décembre, 1861.*

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MESSIEURS LES DEPUTES,

DEPUIS 8 années que j'habite au milieu de vous, je suis heureux de toutes les occasions dans lesquelles j'ai vu réunis les chefs et les principales personnes parmi les Taïtiens, occasions où j'ai pu faire



*MESSAGE of the President of the Oriental Republic of Uruguay, on the Opening of the Legislative Assembly. Monte Video, February 15, 1861.*

(Translation.)

HONOURABLE SENATORS AND REPRESENTATIVES,

I SALUTE you with gratification on seeing you assembled, the midst of the peace and prosperity which the Republic enjoys.

During the recess of the Honourable Chambers no unpleasant occurrence has taken place to disturb the quiet and to stay the march of reparation and progress on which the country has entered.

Its present condition is most flattering.

Having recovered from its past decadence, and being free from domestic disturbances, its abundant germs of riches are unfolding themselves, the laws are establishing their sway, order becomes consolidated, and constitutional institutions are taking root and acquiring stability.

Evil political passions, if not altogether extinguished, have softened down to a great extent, and in their place reigns a spirit of peace among natives as well as foreigners, with so earnest desire to maintain it, as to render altogether powerless, if not impossible, any attempt at disturbance.

There are nevertheless still some who unfortunately endeavour to speculate for base ends with old party devices, determined to excite a perpetual contest rather of extermination than of domination, the termination of which can only be with the annihilation of all, the prostration and the dissolution of the country.

I hope they will be followed but by few, and that the vigour of intelligent minds and the energy of strong feelings will confine themselves to a legitimate emulation, more conformable with the original interests of society, and more in harmony with the principles of our system of government.

I proceed to give you an account of the various branches of the Administration.

*Foreign Affairs.*

I have the satisfaction of informing you that in the year which has just closed nothing has occurred to interrupt our good understanding with the nations which maintain relations with our country.

Having taken as the basis of my policy the respect due to the rights of all, many difficulties have disappeared, relations have become more cordial, and we have set ourselves to obtain, as far as lies in our power, the recognition of our own rights.

In no affair, with no nation, will I depart from this basis; but



as regards states of common origin I think we ought to go still further onward—I think a fitness and even a necessity exists for binding ourselves by means of Treaties which may serve to draw closer the bonds which ought to unite us.

Owing to the difficult circumstances that this country has passed through since it began to figure as an independent nation, the bad practice had been introduced that every injury sustained by a foreigner in his person or in his property, should immediately give rise to a diplomatic claim.

Foreigners who, by the liberality of our institutions and of our customs, enjoy all the civil rights which in other countries are reserved for natives, did not address themselves to the competent tribunals to obtain justice, but in every case applied to the Representative of their nation, in order that the matter should be treated diplomatically.

Such a proceeding could not be tolerated without forgetting the principles which regulate relations between nation and nation. Foreigners in no case have a claim to more rights or guarantees than the natives of the country themselves have. For the establishment of those principles which obtain among all civilized nations I should state that my Government has not met with any opposition among the enlightened diplomatic Agents of the various nations.

#### *Argentine Republic.*

The union of the Argentines has been the means of facilitating our relations with that brother-people, to which we are united by so many bonds.

My wishes are most cordial that the Argentines, always inspired with the thought of May, may surmount the difficulties that yet surround them.

The Argentine Government has suggested to me the propriety of signing a Treaty of Extradition. The suggestion once accepted, I will not enter upon the Treaty without the previous knowledge of the Honourable Chamber of Senators in the form prescribed by the fundamental law.

#### *Republic of Paraguay.*

I see with the most lively interest the progressive march of that sister Republic whose Government has to contend with all the obstacles bequeathed to it by those which preceded it.

I hope that our relations, very limited at present, will go on increasing, to the interest of both one and the other.

#### *Empire of Brazil.*

The respect of all foreign rights—the general basis of my policy,

has served to remove many difficulties, and to place our relations with Brazil upon a footing of reciprocal confidence.

It may be said that the difficulties to which the Treaty of change of Territory gave rise have vanished. Those relative to the Treaty of Modifications of 1857 have been satisfactorily come.

I do not enter now into details in this respect, because you have all that are necessary both in the report of the honourable Permanent Committee, and also in the memoir of the department concerned.

The legation of the Republic in Brazil has been withdrawn without such a measure in any way signifying an alteration in friendly relations, or an opposition to any legitimate means of removing difficulties that have arisen or that may arise. I cannot be explicitly declared.

The questions pending with Brazil are few, and very easily arranged; good faith and loyalty mediating, as is to be expected on both sides. They are confined to the following:—the Convention concluded respecting injuries by war, which was rejected by the honourable Chamber of Senators in the former period; the arrangement of the debt which we recognize as owing to Brazil; and the reciprocal claims respecting injuries received by Uruguayans and Brazilians, in their persons or their properties.

Brazil, in presence of the stipulations of the Treaty of Commerce between the Republic and the Empire, cannot persist in maintaining that the account of the public debt should remain open for an indefinite time; nor can she disown that the concessions granted from most special circumstances, and which cannot occur again, as in the case of England and France, ought not to, and cannot, serve as a precedent for other cases.

With regard to the debt, it will be arranged, do not doubt, with the same good faith and loyalty with which I have arranged with many creditors of the State, and I am ready to arrange all the others. All shall be submitted in due time to your consideration.

The memoir of the Ministry will inform you as to the state of our reciprocal claims.

#### *France and England.*

The sole question pending with England and France is the one relating to the Convention respecting injuries by war.

From the very commencement of my administration, I occupied myself actively in carrying forward that protracted business which I could no longer recede, taking into consideration the situation in which I found it. There was still a discussion

certain difficulties, when the unforeseen decease of the English Commissioner, at the beginning of July, there being no one who could replace him, entirely paralyzed the labours of the Mixed Commission.

Being desirous, nevertheless, to manifest my desire that this affair should arrive at a termination, I accepted the suggestion to lay aside the Convention, and to draw up a new project of arrangement, which will be submitted to you.

Various propositions have been exchanged hereon, but we have not yet arrived at a conclusion reciprocally acceptable.

### *Spain.*

The best understanding exists with our old mother-country. Our relations, founded on reciprocal interests, become closer every day; and I have the pleasure of assuring you that the difficulties which formerly existed respecting certificates of nationality, enlistments, &c., have entirely ceased.

### *Portugal.*

The Legation of His Most Faithful Majesty has asked for explanations respecting the conditions for the ratification of the pending Treaty. You will find them in the memoir of the Department for Foreign Affairs.

### *Sardinia.*

The Convention of May, 1841, for the transmission of correspondence between the two countries, is no longer on a level with the reciprocal requirements. I caused its cessation to be notified, in conformity with what is laid down in the Convention itself. For the rest, our relations with that important country are becoming more active every day, with reciprocal benefit.

### *Hanseatic Cities.*

The Free Cities of Lubeck, Bremen, and Hamburgh, have made known their desire to conclude a Treaty of Commerce with the Republic, upon the same bases as those which served for the one concluded with the Zollverein States. The suggestion having been acceded to, an account will be in due season given to the Honourable Chamber of Senators, in conformity with what is laid down in the Constitution of the Republic.

There is an absolute necessity for Consular regulations. Those now in existence are not only altogether deficient, but were given by incompetent authority. The project relating thereto will be presented to you.

*Interior.*

Favoured by the quiet that the country enjoys, we have been able to continue the arrangement and reformation of the different branches of the Administration. The efforts made in this direction have been crowned in general with a happy result, notwithstanding that enough yet remains to be done for the attainment of complete success.

I trust that by dint of earnest desire and perseverance, all difficulties will gradually be surmounted until we arrive at the desired end.

Although as friendly as any one to public liberties and to the rights of the citizen, I have not been able, nevertheless, to look impassively on the licentiousness of some publications, in which, on the pretext of pleading the interests of a party, there was an incitement to disorder and to a renewal of civil war. I have taken means to put a curb upon such a pernicious irregularity, as far as I have been permitted to do so by the limits assigned to me by the fundamental law. Charged by that law with the preservation of internal order, I will not hesitate to employ the energetic and vigorous action of my authority, if that order should come to be seriously threatened by such or any other means.

I continue to look on the amnesty which I submitted to you the past year as a beneficial and a just measure; and I again recommend it to you. In seeking to reconcile all Orientals with the order at present existing, I reckon with certainty on being able to repress, as soon as it appears, the criminal boldness of any one who should attempt to interrupt it.

The elections that took place last year, although contested with warmth in some places, have been in all exempt from violence and coercion. There has been the most perfect liberty at them, and extremely satisfactory as that result may be, the irregular and blamable proceedings by which they were accompanied in some departments, as you will have seen in examining the elections, are nevertheless to be lamented.

The bad habits acquired, and the obscurity and faultiness of the laws in the matter of elections, have combined to bring about disagreeable occurrences, the repetition of which it is necessary to avert by means of a law that may be of general application, without giving room for arbitrariness and false interpretations.

Municipal institutions, necessary in all parts for attending to local interests, are even more so in Republics, where they form the great practical school of the people, and where by their means the people acquire the habits, spirit, and disposition suitable to a Republican life.

The Constitution, which has established what was fitting for the general government of the nation and the particular government of the departments, has provided nothing with respect to the regimen of municipalities or the administration of localities, leaving it to the decision of subsequent legislatures to determine the mode and form of organizing that natural institution, as it also did with respect to other important matters.

I consider that the provision for so great and generally recognized a want should not be longer deferred, and I have consequently determined to draw up a project of law which I shall afterwards submit to your consideration.

The Económico-Administrative Committees are not as yet in the exercise of their constitutional attributions as they ought to be. Neglected in the origin, and subsequently charged with various functions as the necessity of doing so became felt, without, however, being subjected to a general law established for them all and suited to the character with which the Constitution invests them, the result has been a confusion which it is of much importance to put an end to by passing an organic law submitting them to a common regulation within the orbit assigned to their proper functions.

The laws and decrees in force do not suffice for properly determining the attributions of political chiefs and their substitutes. It would be very proper to enter on the correction of this defect, more especially if municipalities should be established, and if it be resolved that the Económico-Administrative Committees should enter on their functions as they ought, in which case a law must necessarily be passed upon the matter. Anticipating this, a project of law with reference thereto will be transmitted to you, conjointly with others relating to those bodies.

It has not been possible to raise the Urban Companies in all parts to the numbers indicated by the law, owing to the difficulty of finding persons who would voluntarily dedicate themselves to that service. Created as an auxiliary police force, they may be called on to do military service for the defence of the towns, affording them protection from attempts at anarchy.

The postal service has met with great improvements by the two means of communication, by rivers and by land. Thanks to the regular, prompt, and frequent communication that it has established between the chief centres of population in the country and with various points in foreign parts, distances have been infinitely shortened, the benefits resulting therefrom being incalculable.

This branch, as well, requires a law that may sanction what exists in practice, and give authority for other improvements that it may be fitting to introduce.

The insecure position in which landed property is placed from the confusion and clashing of titles of ownership and of possession, and from the forgeries and law-suits to which that circumstance gives rise is producing very pernicious effects. This is an evil which it is urgent to afford a prompt remedy.

The general survey, if performed in a suitable manner, independently of restoring to the State many properties that belong to it, would tend greatly to provide that remedy. There would doubtless be difficulties in carrying out that measure completely in a short time, as it would be best to do, but as that much cannot be done, there would, nevertheless, be a recognized utility in effecting the operation, even if it were partially, and it were not finished in some time.

The sanction of the project already approved of in the Chamber of Representatives, which was transmitted to the Senate at the close of the last legislative period, would be very conducive to the preparation of the measure.

As you will well understand, the actual organization of the Topographical Commission is highly imperfect, it does not suffice for fulfilling the object of its institution. At all events it is expedient to give it an organization adequate to its purpose; but if the general survey is to be carried into effect, this is absolutely indispensable.

The afflux of immigration has been tolerably considerable the past year; as always, a very small portion thereof has been directed to the cultivation of the land, almost the whole of it has found occupation in trade and in other callings and labours.

Meanwhile, agriculture requires and calls for hands in abundance, being confined within very narrow limits in consequence of the scarcity of labourers.

Considering how much it would improve not only the economical but also the social condition of the country to develop industry, I think it would be well to aid it by protecting the establishment of agricultural colonies, and even by setting aside some lands of the State for that purpose.

For the rest, it is known that the best method of promoting immigration is to render peace lasting, to establish good order, to give security to persons and property, and to do away with every kind of obstacle in the way of industry, leaving it in complete liberty.

There are some grave questions relating to the rights that should be granted to colonists, and to their political condition when collected together in towns and municipalities, to which in due season your attention will be called.

Doubts have arisen as to the true sense of the only law

privileges which is in force in the Republic, and it has not always been understood and interpreted in the same way in the questions that have occurred relative to its application.

After mature examination a proceeding has been adopted, strictly conformable, in my judgment, to the terms of that law and in accordance with its object. The concession of a privilege on the part of the Government is no more than a provisional title that may be impugned before the tribunals, with which it rests to decide on its validity. An identical proceeding exists in practice in other countries where analogous laws exist.

It would not be superfluous to revise our law to give it greater clearness on that point, and at the same time to fix the conditions in which an invention or its improvement should be, in order to entitle it to a privilege.

There are questions pending upon the dominion and use of the native woods. The rapidity with which they are going to destruction, the disorder arising from the absence of a rule admitted and respected by all, and the difficulties which beset the judges and administrative functionaries in deciding those questions, in consequence of there not being an adequate law to guide them, require that you should occupy yourselves as soon as possible with the projects that are pending in the Senate and Chamber of Representatives on this matter.

There is, moreover, a project of law upon mines before the Senate which I also beg you to take into consideration as soon as you possibly can.

Having made use of the authority which you gave me, I have redeemed some of the public properties that had passed into the possession of private individuals, and the re-acquisition of which is attended with many advantages. The laws which we have for public roads are of little or no use. There is enough to be done with respect to them, and we are precisely in a suitable situation to do it. Later, it would be costly, and even occasionally impossible, to repair the defects that might arise from the neglect in which they are kept.

I should regret it if the present legislative period were to terminate before what is necessary has been established to facilitate administrative action for the improvement of a branch of such importance.

Other public works are indispensable, and you will be asked for the requisite authority to lay out the funds for their execution.

The administration of justice, although exercised in a regular manner throughout the Republic, leaves much to be desired in the results that it is producing. In criminal matters, above all, great

injuries are suffered by the extreme slowness of the trials by the inefficacy of the proceedings for the investigation and punishment of crimes.

A general reform is indispensable, having in view mainly to afford, as far as it may be possible, justice equally speedy and cheap to all the inhabitants of the Republic.

Impunity is an evil of very ancient date, and one so rooted it would seem to be an attribute belonging to our social condition. Few benefits could be conferred on the country so great as the damming up so copious a source of immorality and crime. To this end the project on proceedings in criminal trials is directed, which has been pending (before the Chambers) since 1853, which, from its merit, I hold to be worthy of being taken as a basis for the enactment of a good law regarding that point.

A new penal code fitted to our social and political state will be also very expedient, especially if the penitentiary system should be adopted, which I consider necessary.

With regard to the civil and commercial code, the utility of which is equally unquestionable, I ask you not to delay the consideration of the two codes upon the matter, one of which is pending in the Senate and the other in the Chamber of Representatives since previous legislative sessions.

The state of the jails and prisons is as bad as it can be, when one looks at the inconvenience of the buildings or at the bad system of administration followed therein; they call for a reform that will redeem them from their sad condition.

The religion of the State has received the protection required by the fundamental law. It thrives in a notable manner under the guidance of the worthy prelate who presides over the church of the Republic. His pastoral visit, carrying the preaching of the gospel and the sacraments to a great part of the country, has been extremely favourable for religion and for the State.

Various churches are in course of construction, and the building or repair of others is to be begun shortly; but there are yet places where the churches are in a complete state of ruin, and not suitably decent or extensive. Some of these works have been assisted from the funds set apart for worship in the budget, or by some other means. I do not doubt that the piety of the faithful will supply the deficiency, as we already see is in part the case.

The erection of the national territory into a bishopric would remove the church of the Republic from its irregular position and would raise its dignity. A petition for that purpose has been presented some time before His Holiness.

The postponement of the mission to Rome, which has been necessary from various reasons, has left in suspense the proceeding



on this and other points that were to be treated in the negotiation of a concordat.

The want of priests to attend to the necessities of worship becomes more sensibly felt every day. In proportion as the number of the faithful increases with the population, this want will become greater if no means be provided to supply it. The acquisition of clergymen from other countries where they abound may do something for this, but the formation of a sufficient national clergy would be much better, by means of the establishment of seminaries where young men who have a vocation for the ecclesiastical career might receive suitable instruction and guidance.

As there exist at present insuperable difficulties in the way of founding such establishments, and with the necessity there is of proceeding with the training of Oriental clergymen, of whom there is so great a want, it will be requisite still to have recourse to the supplementary expedient of sending some young men to Rome to be educated, as was proposed to, and met with the approbation of the Honourable General Assembly in the former session.

The building of small churches in the rural districts, together with the establishment of preparatory schools in connection therewith, would be of immense benefit for religious as well as for civil order. I attach so much importance to that combination, that I should look on any sacrifice that would have to be made to effect it as one to be borne.

Public instruction, from which so much is to be hoped for the diffusion of enlightenment and for the improvement of manners, is confined among us to primary instruction, which is given in almost all the towns, and to the higher studies of the university. Both are very far from that grade of fulness and perfection of which they are susceptible.

The university is badly endowed. Its studies are deficient, and there is much wanting to make it answer its purposes. It requires a serious reform.

With respect to primary instruction, which without doubt is the most necessary and that which most deserves protection and support, although tolerably good in some establishments, in general it is subject to defects and imperfections that ought to be corrected.

It would be expedient and quite proper to cause the benefits of that instruction to be extended to rural districts with a moderate population. It is in a certain sense an obligation of the State to afford to all the means of attaining primary instruction, since it requires the possession thereof for the exercise of citizenship.

Obligatory attendance at schools would rest on as good grounds as that which is required of citizens to instruct them in the use of arms. The former is not less useful and necessary for the

country than the latter, and if the country cannot exist unless there are those who can defend it, neither can it exist without citizens who are qualified for exercising their rights as such. In my opinion it is proper that something should be done with reference to this.

The necessity of a law which shall embrace everything relating to public instruction, and establish a good general plan for the same, is obvious.

#### *War and Marine.*

The regiments of the line have made themselves highly respectable by their good service, and by their morality and discipline.

On the footing to which the permanent army has been reduced, it cannot suffice for what it is intended. Thus it will be necessary at times to have recourse to the National Guard, a vexatious resource which diverts citizens from their useful labours, with prejudice to them, which is injurious to good service, and destroys the economy calculated on in that reduction. I can only ask you for an increase for that army, compatible with limited means that can be disposed of.

The increased duty thrown on the service of the troops in consequence of the small numbers of the garrison of the capital is the reason that at the close of the Legislative Session a company of infantry of the National Guard was called into activity.

Subsequently, for the same reason, another company of the same category, belonging to the hamlet of La Union, has also been called out.

Of the mounted National Guard a limited number has been mobilized in the Department of the Cerro Largo to assist the police in the pursuit that took place of a few small bands of robbers which infested that Department.

The like has had to be done recently with the mounted National Guard of the Departments of San José, Colonia, and Soriano, mobilizing 50 men in each of them, with the view of pursuing and apprehending some deserters, who rove within the commonwealth thereof.

It is proved by repeated experience that it is impossible to complete the formation of the regiments of the line by the present system, employing only enlistment and the certificate of the condemnation of criminals.

A choice has therefore to be made between calling on the National Guard to assist the service of the veteran army, or employing more efficacious means of completing the force of the line. There are many reasons which move me to prefer the latter course, and for that reason I have determined to lay before you the

of a law for substitutes, that may fulfil the object referred to without appealing to the odious course of pressing, or establishing a rigorous conscription.

At present, and for a long while yet, it will not be possible to have a force of the line adequate for all cases. When internal commotions or foreign wars occur the National Guard is under the necessity of forming a principal part of the army. Consequently, it is necessary to give it an organization adequate to that service, for which it should be always prepared.

Heavily as that duty may bear upon the citizens, it is necessary to demand it of them under pain of leaving the Republic at the mercy of the seditious within, and of enemies without. For this reason I abstain at this moment from proposing to you, as I should wish, a modification in the law of the National Guard that might lighten that duty.

The increased number of Chiefs and Officers attached to the Permanent Military Establishment, the great permanent burthen they entail on the Treasury, and the position of expectation in which most of them find themselves, without any beneficial occupation, give rise to the thought of the expediency of effecting a military reform that may lighten this heavy charge, and afford to those meritorious servants the means of following another career more useful to themselves and to their country.

It is possible that this may be done with much economy, but in the uncertainty in which we are as to the resources that will be free after other more urgent demands have been met, I do not even venture to propose anything to you touching this matter, and I do no more than indicate the idea.

The body of Military Pensioners will be shortly organized, with the view of utilizing their services as far as can be done, and at the same time of fulfilling a duty of humanity and justice towards the most incompetent and necessitous of them.

The military school, from various causes, was in complete decadence, but in consequence of some measures that have already been commenced, and others that will follow, it may be expected that it will return to its pristine condition, and will answer its object well.

As soon as the examination and correction of the project of military laws drawn up by the late Colonel Don Francisco Lasala are concluded, it will be submitted to your approbation. When it has been sanctioned the army will have a code more in conformity with the military art of the time, and also better accommodated to our ways.

The Department of Marine has as yet very little importance, and it may almost be said to be nominal.

Without vessels and without crews it scarcely occupies itself

cognized by them, with the classification and amount of which the Classifying Commission, established in virtue of the above-mentioned law of 21st July last, has occupied itself with assiduity and zeal.

The labours of that Commission are on the point of closing, and that I shall very shortly be in a position to draw up a state of the public debt, stimulating your enlightened zeal for the definitive resolution of a matter affecting so seriously the political and economical interests of the country.

I have to propose to you various other measures relative to finance and commerce, such as the introduction into the country of the decimal metrical system, adopted already by the majority of mercantile nations; and a law that may protect more efficaciously the banks of issue and paper of credit against the frequent forgeries to which they are exposed. The deficiency of the actual legislation for the repression of that crime is manifest.

The census is not yet concluded, that of various departments being yet wanting.

For this reason, and from not having received the notices from the judicial and the ecclesiastical authorities should have been submitted, the general office of statistics is behindhand, and will not be able to present its tables, even thus incomplete, before the end of some time.

The same is not the case with the board of mercantile statistics, which will shortly present the classified account of the movements of the customs, and the operations of commerce for the six months of the last year.

The progressive increase of deposits, the want of State warehouses in which to continue receiving them, and the increased expense which is paid for the private ones that the Customs have been obliged to hire, have made us resolve to contract for the erection of the Custom-House, which has been done in an extremely advantageous manner. In effect its cost of 130,000 dollars, payable in monthly instalments of 6,000, will not in reality be a disbursement that diminishes the resources of the State, but the reproduction of a capital that will be reimbursed in a short time, assuring an increased revenue for the future.

Exactly the same may be said respecting a pier which it is necessary to construct, and the widening and repairing of another, since the wharfage dues assure the repayment of the sums applied to the said works.

I have completed my task of making you acquainted with the political state of the country and the improvements and reforms that I consider worthy of your attention.

Having thus fulfilled my constitutional duty, it only remains

for me to express to you, as I do, the full confidence with which your enlightenment and patriotism inspire me, that the great legislative labours to which you are called in the period which commences to-day will be adequately performed.

Monte Video, February 15, 1861.

BERNARDO P. BERRO.

*SPEECH of the King of Prussia, on the Opening of the Landtag.  
Berlin, January 14, 1861.*

(Translation.)

ILLUSTRIOUS, NOBLE, AND HONOURABLE GENTLEMEN  
OF BOTH HOUSES OF THE LANDTAG!

WITH deep emotion I bid you welcome. The hopes and wishes which I expressed to you in this place have, according to God's inscrutable will, not been fulfilled. With me and with my house you mourn the King who, after severe sufferings, has been taken from us.

What the Government of His Majesty my brother, who now rests in God, was for Prussia, what this country owes to his large-hearted guidance, I need not remind the Representative Assembly of the Prussian people, an Assembly which was called into life by the late Monarch.

King Frederick William IV has departed at an anxious period. An anxious task has fallen to my lot. With God's gracious assistance I think I shall bring it to a fortunate conclusion.

In this task you will stand faithfully by my side. The Fatherland requires wise counsels and self-sacrificing devotion.

After I had declared in face of some of the most prominent Princes of the German Confederation that it was the chief aim of my German, the chief aim of my European policy, to defend the integrity of the German soil, it was necessary so to order the reinforcement of our army, for which you had unanimously granted the necessary means, that not only the number of the troops should be increased, but that the internal connection, the firmness, and the trustworthiness of the newly-created corps should be secured.

The measures taken with these objects in view lie within the legal principles of our military constitution.

From the estimates that will be laid before you, you will perceive that for the ensuing year reductions have been directed which will convince you that nothing but that which is indispensably necessary for the warlike efficiency of the army will ever be demanded.

Prussia can dispose of means that fully suffice to keep up her



■ 2000年10月、東京・有明コロシアムにて撮影。

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army on a footing commanding respect. In the present position of Germany and of Europe, the Representative Assembly of Prussia will not decline the task of maintaining that which has been created, and of furthering its development; it will not refuse to support measures upon which the safety of Germany and Prussia depends.

Despite the pressure of political circumstances, we may look with satisfaction upon the state of the finances. There is reason to hope that the expenditure of the past year will be fully covered by the current income thereof. The means carefully reserved from the surplus of the year 1859 will consequently be placed to the credit of the State treasure.

The budget has been calculated with the usual precaution in estimating the revenues, as well as with careful limitation of the administrative expenditure. It shows a further increase in the revenue, and affords the means of meeting all just demands, of encouraging useful enterprises, of satisfying new wants, and of diminishing those extraordinary additions which the increase of the army demanded.

If even, in order to carry out these great measures, those additions, and the provisional continuance of the increased percentage in the taxes are still in a large degree to be had recourse to, yet no fear that the order of our finances might be disturbed need be entertained; on the contrary, from the natural increase in the sources of income, as well as from the reform of the legislation with regard to the land tax, there is every reason to hope that at a future time, close at hand, the extraordinary means for covering the general expenses of the State will be dispensed with.

I reckon upon your assenting to the projects of law which are intended to bring about the final settlement of the land-tax question. The Crown and the country can no longer dispense with a heightened productiveness on the part of the land tax, and the increased efficiency of our army will only be secured when all classes and all parts of the country shall, in the same way that they equally partake in the duty of bearing arms, contribute with a like equality, in proportion to their tax-paying power, towards providing for the expenses which the army requires.

The commerce of the country, if it has not returned to the state of activity which preceded the financial and political crises of the late years, shows at all events an increased briskness. The encouragement thereof in its various branches has not ceased to be an object of the peculiar care of my Government.

A further development of the network of our railways has been inaugurated. The abolition of transit dues, and a considerable diminution of the Rhine tolls has been agreed upon with the Governments concerned,



My Government is on the point of entering into negotiations with the Imperial French Government for the purpose of arranging by Treaty the commercial intercourse between the Zollverein and France.

The reform of the law of marriage, as I told you before, at the close of the last session, will once more be amongst the tasks allotted to you. I expect, with confidence, that this question will at length find its solution.

My Government will make communications to you on other important matters.

In the course of the past year I succeeded by personal meetings with the Sovereigns of the great States, in making my relations with those States even more satisfactory than they were before, and I consider this as a pledge for the maintenance of the peace of Europe.

Penetrated with the seriousness of the general state of Europe, my Government has continually endeavoured to bring about a revision of the military constitution of the Confederation, such as the increased military demands of the present time render indispensable. I indulge in the confident hope that these endeavours will at least lead to the wished-for result, inasmuch as all German Governments, and all German races, recognize unanimous action, as that which the common Fatherland most urgently requires.

In the Electorate of Hesse a dispute continues, which my well-meant, considerate, and honest advice has not been able to put an end to. The endeavours of my Government are uninterruptedly directed towards the restoration of the constitutional state of things.

To my deep regret the steps which Prussia, in common with the rest of the Federal States of Germany, has for years taken to secure for the united German Duchies under the rule of the King of Denmark, the enjoyment of a regular constitutional position, agreeably to the Conventions upon the subject, have unfortunately as yet led to no result. Prussia, with her German allies, considers it a national duty now at length to bring about the proper solution of this question.

My Government has begun in agitated times. Whatever may be in reserve for us, I shall hold fast by the principles with which I undertook the Regency. The experience which I have gained in the application of those principles has convinced me of their value. Determined to strengthen the efficiency of our institutions and of our laws, and vigorously and earnestly to advance the national interests of Prussia and Germany, I recognize in undeviating persistency in this path the surest pledge against the spirit of revolution which is stirring in Europe.

I feel confident that under my sceptre Prussia will remain true to herself. I am confident that Prussia will prove, by the counsels

of her representatives, and the acts of her people, that she has no idea of remaining behind the unity, the strength, and the glory, of our ancestors. I feel confident that the country will stand by me in unbroken fidelity in prosperity and in adversity.

In undertaking the Regency I swore that I would exercise the power bestowed on me by God in a manner conformable to the Constitution and to the laws of the monarchy. In referring to that oath, I call upon you to swear that fidelity to me which you swore and kept to my glorified brother.

You will, therefore, swear a solemn oath to me now, before Almighty God, that you will be faithfully subject unto me, and that you will stand by me in the exercise of my rights and duties with your life and substance.

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*SPEECH of the King of Prussia, on the Closing of the Landtag.  
Berlin, June 6, 1861.*

(Translation.)

ILLUSTRIOUS, NOBLE AND BELOVED GENTLEMEN  
OF BOTH HOUSES OF THE LANDTAG!

I HAVE not been deceived in the confidence with which I greeted you at the commencement of this year's deliberations.

The session just closed has led to considerable results. They are calculated to support and confirm my Government in following the course which it has hitherto pursued. They will lead to beneficial results for internal peace, for the healthy development of our civil policy, and they will increase the weight of Prussia in Germany and Europe.

Treaties and laws which open a new path to commerce and relieve trade of obstructions have come into existence with your assent.

The net of railways in our country has been considerably extended, owing to your liberal grants; and the communication with our western provinces will soon be not merely shortened, but also better secured.

You have given your consent to the Treaty which is intended to unite the water-routes of France with those of Prussia.

The Rhine tolls are considerably reduced, the transit dues abolished.

Those taxes which might hamper the prosperity of the mining interest, one of our most important branches of industry, have been again reduced, and the supervision of them has been simplified.

The difficulties which stood in the way of foreigners trading have been set aside, and the supplement to the law relating to the tax on trade guarantees the imposition of this tax according to more practical and just rules.

The disparity in the taxation of land which has so long separated the provinces of the monarchy and the different classes of landed property has at length disappeared, owing to the measures of my Government to which you have given your assent.

A great service has been rendered to the country by these laws which I am all the more ready to acknowledge, knowing as I do the sacrifices that were made.

I rejoice at the unanimous assent which you have given to the German mercantile law. Thereby an able work of German genius has become the property of our Prussian fatherland, and by its means we have given an additional proof of our earnest endeavour more closely to unite the States of Germany by the bond of common laws.

The law for the expansion of legal procedure extends judicial decision to departments over which it has hitherto had no control.

This measure will tend to extend the authority of the law, and to elevate the position of my courts of justice.

Gentlemen! You have granted to my Government the means which suffice to carry out that organization of the army, directed by myself, which is so essential to the greatness and powerful position of Prussia.

I thank you for them.

As my Government will never neglect either to introduce the corresponding legal regulations, or to re-establish regularly ordered State relations in the department of military administration, I can overlook the form of the grant, which does not affect the vital principle of the great measure.

My excellent army, the offspring of our warlike people, has now become united in firmness and strength, and the liberality displayed by you in raising the taxes to accomplish this end, has enabled Prussia to stand forth ready armed for her own protection, as well as for that of the whole German fatherland.

The completion of the reorganization of the Prussian army is the more indispensable to the security of the German frontiers, inasmuch as my earnest and uninterrupted endeavours to bring about a revision of the military Constitution of the Germanic Confederation, corresponding to the exigencies of the present period, and to further the adoption of practical precautionary measures for the protection of Germany, against future dangers, have not as yet been successful.

The lively interest which you have taken in the development of our young navy, the progress of which is as important to the interests of the Prussian as of the German fatherland, has given me great satisfaction.

The Royal Danish Government has not entirely satisfied the demands of the German Diet. Even the offers which that Govern-

ment afterwards made, do not yet afford a sure prospect of a solution of the affair now pending at the Diet, respecting the united German Duchies under the sceptre of the King of Denmark. But the nature of our relations with the great Powers of Europe affords a sufficient guarantee that they would not be disturbed by serious measures which may become necessary within the limits of the German Federal jurisdiction.

If the representatives of the country continue to work with us with honest zeal and harmonious efforts for the welfare of the fatherland; if we keep within the limits, the transgression of which can only favour the active party of disorder in Europe; then may by the gracious help of Providence, look forward to the blessed success of my Government.

Bear in mind, Gentlemen, my motto:—Royalty by the grace of God, adherence to the laws and Constitution, fidelity of the people and of the army conscious of victory, justice, truth, trust, fear God. Continually act up to this motto with me; then may we expect a happy and hopeful future for our dear fatherland.

May God grant it.

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**PROCLAMATION of the Emperor of Austria, promulgating the Fundamental Laws of the Kingdom.—Vienna, February 26, 1861.**

(Translation)

WE, Francis Joseph I, &c.

Whereas, in our Patent for the arrangement of the political relations of the monarchy, issued on the 20th October, 1860, we deemed it right to determine and to ordain, on the basis of the pragmatic sanction, and in virtue of our supreme authority, a rule to be followed by ourselves and our legitimate successors in the Government, that the right of making, altering, and repealing laws can only be exercised with the co-operation of the Landtags, or of the Imperial Council; and considering that this right, in order to be brought into operation, requires a settled order and formal procedure, we now, after having consulted our Council of Ministers, ordain and proclaim as follows:

I. With respect to the composition of the Imperial Council appointed for the representation of the Empire, and the right of co-operating in the Legislation reserved to it in our Patent of October 20, 1860, we sanction the annexed law, respecting the representation of the Empire, and hereby invest it with the validity of a fundamental law of the Empire, for all our kingdoms and provinces.

II. With respect to our kingdoms of Hungary, Croatia, and

Slavonia, as also for our Grand Duchy of Transylvania, we have already taken the necessary measures, by means of our letter of October 20, 1860, with a view to the restoration of the former Constitutions of the several countries, in conformity with our above-mentioned Patent, and within the limits therein laid down.

III. For our kingdoms of Bohemia, Dalmatia, Gallicia and Lodomeria, with the Duchies of Auschwitz and Zator and the Grand Duchy of Cracow; our Duchies of Austria below the Enns, and Austria above the Enns; our Duchies of Carniola and Bukowina; our Margraviate of Moravia; our Duchy of Upper and Lower Silesia; our Margraviate of Istria, with the Principality-Counties of Görz and Gradiska and the town of Trieste with its territory; and for the country of Vorarlberg; we have determined, in order to develop, form, and bring into unison with the interests of the united monarchy, the rights and freedom of the faithful estates of these kingdoms and provinces, according to the conditions and requirements of the present time, to sanction the annexed Provincial Ordinances and Electoral Laws, and to grant to each the force of a fundamental law for the province concerned.

Since, however, we have not yet finally decided on the position of our Kingdom of Dalmatia in regard to our Kingdoms of Croatia and Slavonia, the Provincial Ordinance issued for our Kingdom of Dalmatia cannot come completely into operation at present.

IV. In order to bring the statutes issued with the Patent of October 20, 1860, for our Duchies of Carinthia, Styria, and Salzburg, and for our Principality-County of Tyrol, into unison with the provisions which are taken as the principles of the Provincial Ordinances issued by us to-day; in order to afford to the Provincial Assemblies of the above-mentioned provinces those more extended rights which we have determined on granting to the representatives of the other provinces; and finally, in order to bring into operation our enactments issued respecting the franchise on the 5th January, 1861, also in Styria, Carinthia, Salzburg, and the Tyrol, we have resolved, for the extension and alteration of the Provincial Statutes already published, to grant the annexed new Provincial Ordinances for Styria, Carinthia, Salzburg, and the Tyrol.

V. We commission our Minister of State at the same time to lay before us at the proper period a Provisional Constitution for our Lombardo-Venetian Kingdom, based on similar principles; and in the meantime, we commit to the congregations of that Kingdom, as its present existing representatives, the right of sending the appointed number of members to the Council of the Empire.

VI. Whereas, partly by means of the preceding fundamental laws, partly by means of those which have been recalled into life, partly by means of the Constitutions provided by the new funda

mental laws, the foundation of the political relations of our Empire has now been established, and especially the representation of the peoples has been organized, while their participation in the legislation and administration has been ordained, we hereby proclaim the aggregate of fundamental laws to be the Constitution of our Empire, and, under the protection of the Almighty, and we will not ourselves inviolably adhere to and maintain these hereby solemnly proclaimed and covenanted rules, but also bind our successors and the Government inviolably to adhere to and maintain them, and to pledge themselves to do this on their ascending the throne, in a manifesto then to be issued thereon. We hereby declare also our firm determination to protect them with all our imperial power against every attack, and to see that they are observed and maintained by every one.

VII. We command that this Patent, together with the fundamental State Laws on the Representation of the Empire and Provinces, proclaimed by it, drawn up in the form of an Imperial Diploma, be deposited and preserved in our Palace Court and Archives; and also that, in due time, the fundamental law on the Representation of the Empire, with the several fundamental laws destined for each province, be deposited and preserved in the archives of our kingdoms and provinces.

Given in our capital city of Vienna, February 26, 1861.

FRANCIS JOSEPH

*FUNDAMENTAL LAW on the Representation of Austria  
Vienna, February, 26, 1861.*

(Translation.)

1. The Council of the Empire (Reichsrath) represents the Emperor. The Council of the Empire consists of the Upper House (Oberhaus), and the House of Deputies.

2. The Princes of the Imperial House who have attained majority are members of the Upper House by birth.

3. The hereditary members of the Upper House are the Princes who are not under age of those native noble houses distinguished by their extensive landed property, on whom the Emperor has conferred the dignity of hereditary Councillor of the Empire.

4. The members of the Upper House in virtue of high ecclesiastical dignities are—all archbishops and those bishops who are entitled to the rank of Prince.

5. The Emperor reserves to himself the right of summoning the Upper House as members during their lifetime distinguished men who have deserved well of the State, or of the Church, science, or of art.

6. In the House of Deputies there will be 348 members elected, according to the numbers established for the several kingdoms and lands, as follow :—

For the Kingdom of Hungary..	..	..	..	85
„	„	Bohemia ..	..	54
„	„	Lombardo-Venetia	..	20
„	„	Dalmatia	..	5
„	„	Croatia and Sclavonia	..	9
„	„	Gallicia and Lodomeria, with the Duchies of Auschwitz and Zator and the Grand Duchy of Cracow	..	38
„	Archduchy of Austria below the Enns	..	18	
„	„	„ above „	..	10
„	Duchy of Salzburg	..	3	
„	„	Styria	..	18
„	„	Carinthia	..	5
„	„	Carniola	..	6
„	„	Bukowina	..	5
„	Grand Duchy of Transylvania	..	26	
„	Margraviate of Moravia	..	22	
„	Duchy of Upper and Lower Silesia	..	6	
„	Principality-County of Tyrol and Voralberg..	12		
„	Margraviate of Istria, together with the Prin- cipality-County of Görz and Gradisca and the town and territory of Trieste..	..	6	

7. The number of members fixed for each land will be sent by direct election from their several Diets.

The election will be effected by absolute majority of votes in such a manner that the number of the members of the House of Deputies falling according to the provincial regulations to certain territories, towns and corporations, will be chosen from the members of the Assembly of the States for those territories, towns and corporations.

The Emperor reserves to himself the right of ordering the completion of the election by the territories, towns and corporations direct, when exceptional circumstances occur, which prevent the full election to the House of Deputies by a Provincial Assembly.

8. The Emperor nominates the presidents and vice-presidents from the members of each House.

The other functionaries will be elected by each House itself.

9. The Council of the Empire will be convoked every year by the Emperor.

10. The sphere of action of the whole Council of the Empire embraces, according to Article II of the Diploma of October 20, all

subjects of legislation which have reference to rights, duties and interests common to all the kingdoms and lands. Such are specified as follows:

(a.) All matters which have reference to the kind and manner of military service, as well as to the regulation of military duty.

(b.) All matters which concern the regulation of money, and mint affairs, the banks of issue, customs and commercial principles of the postal, railway, and telegraphic services.

(c.) All matters of Imperial finance in general; especially estimates of the State expenditure, the examination of the balance-sheet, and of the results of the financial operations, the contracting of new loans, the conversion of existing State debt, alienation, alteration, and taxation of the real property of the State, the increase of existing and the introduction of new taxes, imposts and rates.

The taxes, imposts and rates will be laid on according to the existing laws, so long as these shall not be altered in a constitutional manner.

The State debt is placed under the control of the Council of the Empire.

11. Subjects of legislation which are common to all the kingdoms and provinces, with the exception of the lands appertaining to the Hungarian Crown, belong to the constitutional sphere of action of the Council of the Empire, according to Article III of the Decree of 20th October, 1860, without the participation of the member representing the lands of the Hungarian Crown.

To this diminished Council of the Empire therefore belong, with the exception of the matters mentioned in section 10, all subjects for legislation which are not expressly reserved by the provincial ordinances for the several Provincial Assemblies represented in the diminished Council of the Empire.

The same holds good in the case of such subjects reserved to the Provincial Assemblies, when a common treatment of the subject is proposed by the Provincial Assembly concerned.

In the case of doubts arising respecting the competency of the diminished Council of the Empire in affairs of general legislation as opposed to the competency of a single Provincial Assembly represented in the Council of the Empire, the Emperor will decide between the proposal of the diminished Council of the Empire and that of the Provincial Assembly.

12. Projects of law come before the Council of the Empire in the form of Government proposals.

The Council of the Empire has also the right to propose laws on subjects within its sphere of action (sections 10 and 11). In all such laws the concurrence of both Houses and the sanction of the Emperor are necessary.

13. If at the time when the Council of the Empire is convened



assembled, urgent measures must be taken on a subject within its sphere of action, the Ministry is bound to lay before the next Council the grounds and results of its measures.

14. For a valid resolution of the whole or of the diminished Council of the Empire, an absolute majority of the votes of those present is necessary.

Proposals for altering this fundamental law require a majority of at least two-thirds of the votes in each house.

15. The members of the House of Deputies are to receive no instructions from their electors.

16. All members of the Council must personally exercise their right of voting.

17. The duties of the members sent from any country to the House of Deputies cease on the day of meeting of a new Assembly.

They can be again elected to the House of Deputies.

If a member dies, loses his personal competency, or is permanently prevented from being a member of the Council, a new election must be made.

18. The adjournment of the Council, as also the dissolution of the House of Deputies, takes place by order of the Emperor. In case of a dissolution, there is a new election according to section 7.

19. The ministers, court chancellors, and chiefs of central offices are empowered to take part in all consultations, and to make their proposals in person or by a deputy.

Upon their request they must always have a hearing.

They have the right of taking part in the voting provided they are members of either House.

20. The sittings of both Houses of the Council of the Empire are public.

Each House has the right of excluding publicity exceptionally when the president or at least 10 members demand it, and when the House has determined on it after strangers have withdrawn.

21. The more precise regulations for the transaction of business, and for the reciprocal and external intercourse of both Houses, will be regulated by the order of business.

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*PROCLAMATION of the President of San Domingo, declaring the Re-incorporation of the Republic with the Spanish Dominions.—San Domingo, March 18, 1861.*

(Translation.)

DOMINICANS!

It is not many years since my voice, always loyal, always consistent, while presenting to you the reformation of our political

Constitution, reminded you of our national glory, inherited by the great and noble race to which we owe our origin.

When I then made so strong a manifestation of my sentiments I believed that I faithfully interpreted yours, and I did not deceive myself; my conduct has always been traced out, but yours has exceeded my hopes.

Numerous and spontaneous popular manifestations have reached me, and if yesterday you invested me with extraordinary power to-day you yourselves are anxious that what your loyalty always desired should become a truth.

Religion, language, customs are all preserved by us in the purity; not without there having been some who endeavoured to rob us of those precious gifts; and the nation which has given us so much is the one which now opens her arms to us, like a fond mother who recovers her son, lost in the wreck in which he sees his brothers perish.

Dominicans! it was only the ambition and the revenge of one man that separated us from the mother country; for a length of time afterwards the Haytians ruled our territory; our valour drove them from it; the years which have passed since then have been very eloquent for all!

Shall we allow the elements to be lost upon which we now reckon which are so dear to us, but not sufficiently strong to ensure our future and that of our children?

Before such a thing should occur; before we see ourselves, like those other unhappy Republics, involved constantly in civil war sacrificing in them valiant generals, statesmen, numerous families, large fortunes, and a multitude of unhappy citizens, without finding the means of constituting themselves in a solid and strong name before such a day should arrive, I, who have always watched for your security; I, who assisted by your valour, have defended inch by inch the ground on which we stand, I, who know how important are your wants,—see now what I offer you in the Spanish nation; see what she concedes to us.

She gives us the civil liberty which her people enjoy, she guarantees natural liberty, and takes away for ever the possibility of losing it; she ensures our property, recognizing as valid all the acts of the Republic; she offers to recognize and reward merit; she will bear in mind the services rendered to the country; she, in fine, brings peace to this soil so harassed, and with peace its beneficial consequences.

Yes, Dominicans! henceforward you will rest from the fatigue of war, and you will occupy yourselves with untiring energy in working out the future of your children.

Spain protects us; her flag covers us; her arms will have an in-

posing effect upon foreigners; she recognizes our liberties, and together we shall defend them, forming one sole people, one sole family, as we always have been; together we will prostrate ourselves before those altars which that nation erected; before those altars which she will now find as she left them, intact, safe, and still crowned with the shield of her arms, her castles and lions, the first standard which, along with the cross, Columbus fastened in these unknown lands, in the name of Isabel I, the great, the noble, the Catholic; an august name which the present Sovereign of Castile has inherited, inheriting at the same time the love of the inhabitants of the Island of Hispaniola: let us hoist the banner of her monarchy and proclaim her as our Queen and Sovereign.

Long live Isabel II. Liberty for ever. Religion for ever. The Dominican people for ever. The Spanish nation for ever.

San Domingo, 18th March, 1861.

SANTANA.

*LOI de la Grèce, sur les Mariages Mixtes.—Athènes, le 1<sup>er</sup> Août, 1861.*

(Traduction.)

OTHON, par la grace de Dieu, Roi de Grèce, d'accord avec la Chambre des Députés et le Sénat nous avons décrété et ordonnons :

ART. I. Le mariage entre un individu appartenant à l'Eglise Orthodoxe Orientale et un autre d'un culte Chrétien différent, est valable s'il est célébré par un prêtre de l'Eglise Orthodoxe Orientale, d'après toutes les formalités exigées par la loi Grecque, et sur promesse solennelle du conjoint de rite différent, devant le juge-de-peace de l'endroit où a lieu le mariage, qu'il s'engage à baptiser et élever les enfans du mariage dans la religion orthodoxe Orientale. Cet engagement est constaté dans un procès-verbal dressé par le juge-de-peace, signé par lui, son greffier et le fiancé contractant. Dans le cas où celui-ci ne saurait ou ne pourrait écrire, il en est fait mention au procès verbal.

La contravention à cet engagement est punie conformément à l'Article CCLXX du Code-pénal. Est envisagé comme annulation de la promesse contractée le délai de plus d'une année mis par le conjoint de rite différent au baptême de son enfant; en ce cas, toutefois la peine de l'annulation cesse aussitôt la réalisation du baptême de l'enfant selon l'engagement pris.

La permission de contracter mariage n'est pas accordée sans la promesse ci-dessus. Si cet engagement n'a pas lieu, la nullité d'un tel mariage peut être demandée par toute personne intéressée et par le Procureur du Roi.

II. S'il s'agit de contracter un semblable mariage à l'étranger, l'engagement par promesse solennelle est pris en présence du Consul Grec compétent, qui en dresse procès-verbal; en ce cas l'engagement est censé contracté devant une autorité judiciaire.

III. Les mariages mixtes conclus jusqu'à ce jour, et célébrés par un prêtre de l'Eglise Orthodoxe Orientale, même sans la mission d'un Archevêque, sont reconnus valables, comme ci-dessus, et les enfans qui en sont issus comme légitimes, sans préjudice toutefois des droits des tiers.

La présente loi, votée par la Chambre des Députés et par le Sénat, et sanctionnée aujourd'hui par nous, sera publiée dans le bulletin des lois et sera mise en exécution comme loi de l'Etat.

Athènes le 1<sup>er</sup> Août, 1861.

Au nom du Roi,

M. PORLIS.

La Reine AMALIA.

**DECREE of the Provisional President of Columbia, declaring that Foreigners domiciled in the Republic are capable of acquiring Real property in the same manner as Native Citizens.**  
Bogotá, June 10, 1862.

(Translation )

T. C. DE MOSQUERA, Provisional President of The United States of Columbia and Supreme Director of the War, &c.

Having referred to Articles VIII and IX of the Compact Union of the States of Columbia,

And to the Law of the 2nd of June, 1847, relative to the immigration of Foreigners;

Considering that a foreign immigrant comes to the country only to find a better material position, but also to enjoy the rights inherent to man and a country where those rights may be guaranteed to him;

Considering that the provisions of Article IX of the Compact Union refer to foreigners *in transitu* who may claim to enter the condition of persons domiciled in the country;

Considering that, according to positive international legislation, domiciliated foreigners are subject to the laws of the country where they settle, as regards property and essential rights, in the same manner as natives;

Considering that it is an universally recognized principle of justice that obedience and protection are correlative, so that if a domiciliated foreigner becomes a member of the political society in which he

he ought also to enjoy to their full extent the civil and political rights which belong to natives ;

I DECREE :

ART. I. Immigrants from the time of their arrival in the country shall be naturalized, and they shall acquire all the rights, and contract all the obligations of other Columbian citizens. For the term of 20 years, reckoned from the date of their arrival in the country, they shall be exempt from military service, except in case of foreign war, from all direct or extraordinary contributions and from all public employment, except in their own municipality.

II. Foreigners married in the country or domiciliated by reason of permanent business or of property acquired, are capable of acquiring real property, without the necessity of complying with the conditions mentioned in Article IX of the Compact of Union, signed by the Plenipotentiaries of the States, on the 20th of September, 1861, as well as of voting and being elected for all public posts.

III. In selling national property, no difference whatever shall be made between natives and domiciliated foreigners as regards the terms granted for the payment of the value of the said property, and the money or documents of public credit which may be receivable in payment of the stipulated price.

IV. The fact that property, whether real or personal, has been acquired by a domiciliated foreigner, does not alter either the nature or the extent of the obligations and rights of the national Government or of the proprietor as regards such property, according to the laws.

Given in Bogotá, the 10th of June, 1862.

T. C. DE MOSQUERA.

M. ANOIZAB, *Secretary of State and for Foreign Affairs.*

*AGREEMENT between Rome and Spain, for the Sale of Church Property in Spain.—Rome, August 25, 1859.*

[Ratifications exchanged at Rome, November 25, 1859.]

(Translation.)

In the name of the Most Holy and Indivisible Trinity.

The Sovereign Pontiff, Pius IX, and Her Catholic Majesty Doña Isabella II, Queen of Spain, wishing to provide, by mutual agreement, for the definitive settlement of the endowment of public worship and of the clergy in Her Majesty's dominions, in conformity with the solemn Concordat of the 16th March, 1851, have

respectively appointed, as their Plenipotentiaries—His Holiness most eminent and right Reverend Cardinal Santiago Antonie Secretary of State; and Her Majesty, his Excellency Don A de los Rios y Rosas, her Ambassador Extraordinary to the See; who, having interchanged their full powers, have agreed as follows:

ART. I. The Government of Her Catholic Majesty having into consideration the lamentable vicissitudes through which ecclesiastical property has passed at various periods, and being desirous of assuring to the church in perpetuity the peaceful possession of its property and rights, and of providing against any cause for violation of the solemn Concordat concluded on the 16th of July 1851,\* promises the Holy See, that no sale, commutation, or any kind of alienation of the said property, shall take place without the necessary authority from the said Holy See.

II. Wishing to carry definitively into effect and in a lasting, and independent manner, the plan for the endowment of public worship and the clergy prescribed in the said Concordat, the Holy See and Her Catholic Majesty's Government agree on the following points:

III. Firstly, the Government of Her Majesty again formally recognizes the full and free right of the church to acquire, retain, and enjoy the usufruct of every kind of property and valuables, and without limitation or reserve, any regulation to the contrary being therefore abrogated by this Convention, and especially so far as it is opposed hereto, the law of May the 1st, 1855.

The property which the church may hereafter acquire or possess in virtue of this right, shall not be calculated as an endowment assigned to her by the Concordat.

IV. In virtue of the same right Her Majesty's Government recognizes the church as proprietor of all and every part of the property which was restored to her by the Concordat. But, taking into consideration the state of deterioration of the greater part of such property as has not yet been alienated, the difficulty of administering it, and the various contradictory and inaccurate calculations which have been made of the value of its rental; all these circumstances have hitherto rendered the endowment of the church uncertain and even incongruous, the Government of Her Majesty has proposed a commutation to the Holy See, power being given to the bishops to determine, in concurrence with their chapters, the value of the church property situated in their respective dioceses, and the Government offering in exchange for the whole of such property, and in consideration of its being ceded to the State, so many intransferable inscriptions in the 3 per cent stock of the p

consolidated debt of Spain, as may be necessary to cover the total value of the said property.

V. The Holy See, being desirous that a fixed, secure, and independent endowment for public worship and for the clergy should be immediately carried into effect; having heard the Bishops of Spain, and recognizing in the present case, and in the combination of all the circumstances, the greater advantage of the church, has had no objection to the said permutation being realized in the following form :

VI. All property specified in Articles XXXI and XXXIII of the Concordat of 1851, shall be exempted from the commutation, and shall remain the property of the church; *i.e.*, the orchards, gardens, palaces, and other edifices, which in any part of the diocese may be destined for the use and recreation of the bishops. The houses destined for the habitation of the clergymen shall also be reserved to them, with the orchards and fields thereto annexed, known under the denominations of glebes, manses, and others. The church shall also retain the ownership of buildings used as municipal schools, with their appurtenances, and of ecclesiastical libraries, houses of correction and prisons, and in general of all edifices which are in actual employment for public worship, and of those which are destined to the use and habitation of the regular clergy of both sexes, as well as those which may hereafter be destined to similar purposes.

None of the property mentioned in this Article can be taken into account in the endowment fixed for public worship, and the clergy, by the Concordat.

Finally, the good of the church being the motive that induces the Holy See to allow the before-mentioned commutation, if in any diocese the bishop should consider that owing to special circumstances it is desirable for the church to retain any possession situated therein; it shall be lawful for such possession to be exempted from the commutation, the value of the rental being included in the endowment of the clergy.

VII. On the valuation of the property subject to the commutation having been made by the bishops, inscriptions or bonds intransferable shall be immediately delivered to them, as well for the whole value of the said property as for the selling price of that which has been alienated since the Concordat. After this delivery has been effected, the bishops competently authorized by the Apostolic See shall make the formal cession to the State of all the property which, in accordance with this Convention, is subject to the commutation.

The inscriptions shall be charged to the clergy, as an integral

part of their endowment, and their respective diocesans shall use the dividends to cover it in the manner prescribed in the Concordat.

VIII. Having regard to the peremptory nature of the needs of the clergy, Her Majesty's Government binds itself to pay from the consolidated income belonging to each diocese.

IX. In case the income of the 3 per cent. public debt of the State should suffer any diminution or reduction, owing to arrangements by the temporal authorities, Her Majesty's Government binds itself henceforth to give to the church as many intransferrable inscriptions in the stock which may be substituted for the 3 per cent. as may be necessary to cover completely the annual amount which is about to be issued in favour of the church; so that the income is not to be diminished or reduced under any eventuality at any time.

X. The property belonging to collative benefices and other pious domestic foundations, which, on account of their peculiar nature and aim, and of the different rights which they derive therefrom, shall not be comprised in the commutation and cession here treated, shall be the object of a special Convention, to be concluded by the Holy See and Her Catholic Majesty.

XI. Her Majesty's Government, in confirmation of the provisions of Article XXXIX of the Concordat, again binds itself to the church, in the form that shall be mutually agreed on account of the charges imposed, whether on the property sold by the State as encumbered, or on that which is now to it, a large sum, which shall be as far as possible in proportion with the said charges. It also pledges itself to fulfil, on equal terms, the obligations contracted by the State in the first and second paragraphs of the said Article.

A Mixed Commission shall be appointed, with power to examine and amend, which shall within the period of one year ascertain the weighing on the property mentioned in the first paragraph of Article, and shall propose the amount of the large sum which the State will have to pay on account of them.

XII. The bishops, in conformity with the provisions of Article XXXV of the Concordat, shall distribute amongst the convents, existing in their respective dioceses, intransferrable inscriptions corresponding in amount not only to the value of the property which they now cede to the State, but also of that proceeding from the same source, which may have been sold in virtue of the Concordat or of the Law of May 1, 1855. The dividends or inscriptions will be reckoned as part of the endowment of the convents.



XIII. The provisions of the Concordat respecting the supplementary sum which the State has to give for the payment of the pensions of the monks and nuns remain in full force, as also all that is laid down in Articles XXXV and XXXVI thereof, relative to the maintenance of religious houses and congregations which may be established in the Peninsula, and relative to the repair of the churches and other edifices, destined for public worship. The State undertakes also to build at its own expense the churches that are considered necessary, to grant pensions to the few existing expelled lay monks, and to provide for the endowment of nuns *ex officio*, chaplains, sacristans, and of the service of the churches of nuns in each diocese.

XIV. The revenue of the "Santa Cruzada," which forms part of the present endowment, shall henceforth be exclusively destined to the expenses of public worship; with the exception of the charges which exist on it by virtue of agreements entered into with the Holy See.

The annual amount of the said revenue shall be calculated on the average of the last 5 years, at a fixed sum, which shall be determined by agreement between the church and the State.

The State will supply, as heretofore, the sum wanting to cover the amount assigned to public worship by Article XXXIV of the Concordat.

XV. The annual tax, that was established by the 4th paragraph of Article XXXVIII of the Concordat, to complete the endowment of the church, is declared to be church property, and the said tax will be distributed and collected in the manner therein prescribed. However, the Government of Her Majesty undertakes to accede to any petition which the bishops, for local reasons or from any other cause, may make, to have the quotas of the tax belonging to their respective dioceses converted into intransferable inscriptions in the above-named consolidated debt, under the conditions and in the manner prescribed in Articles VII, VIII, and IX of this Convention.

XVI. In order to ascertain exactly the sum to which the said tax is to amount, each bishop, in concert with his chapter, shall with the least possible delay, make a definitive estimate of the endowment of his diocese, having regard in drawing it up to the rules laid down by the Concordat. And in order to fix definitively in each case the allotments, with respect to which a maximum and a minimum have been therein established, the bishops shall have the power of choosing a medium in concert with the Government, when the necessities of the church, and all other circumstances which have to be taken into account, so require.

XVII. The fresh delimitation of parishes will be proceeded with

**CORRESPONDENCE between The United States and Prussia relative to the Emigration of Prussian Subjects to the United States; and to the Liability of Naturalized American Citizens, Subjects of Prussia, to Military Service, on their return to their native Country.—1840—1860.**

*No. 1.—Mr. Wheaton to Mr. Forayth.*

Sir,

*Berlin, July 29*

I HAVE the honour herewith to inclose copies of correspondence relating to the case of Johann Philipp Knoche, a naturalized citizen of The United States, born in Prussia, and claiming to be exempted from military service on his return to his native country.

As it did not appear to me that his claim could be maintained, I had no hesitation in declining to interfere in the matter as requested.

I have, &c.

*Hon. John Forayth.*

HENRY WHEATON

*(Inclosure 1.)—The very humble Petition of Johann Philipp Knoche of Wunderthausen, district of Berleburg.*

*(Translation.)*

*Wunderthausen, July, 19*

I EMIGRATED to America from my birth-place in my 21st year in 1834, to seek my fortune in that country. I was 6 years in America, most of it in Baltimore, where I became an American citizen.

I did not notify my going off from here to the local authorities, nor the district authority, or that of the jurisdiction, nor ask permission. It is only since about the 20th of last month that my father wrote to me to come and fetch him, for he had also determined to emigrate to America. To my greatest astonishment I learned that by my being here they will enrol me as a soldier, which throws me into the greatest perplexity, therefore, I make application to turn myself to your high authority, with the humble petition that you will inform me whether I must hold myself subject to Prussian law as bound to military duty, or whether I am exempted as an American citizen. I have an American passport and certificate of citizenship, which, if it be necessary, I can send to your Excellency by mail from here, where I must remain till the end of the coming year, as my father has not yet sold his property, and therefore cannot as yet emigrate.

On this subject I humbly and dutifully request as early a decision as may be.

With deepest regret, &c.

JOHANN PHILIPP KNOCH

(*Inclosure 2.*)—*Mr. Wheaton to Mr. Knoche.*

SIR,

*Berlin, July 24, 1840.*

I HAVE received your application, stating that you are a native-born subject of His Majesty the King of Prussia; that you emigrated to The United States in the year 1834, being then 21 years old, where you became naturalized as a citizen; that you have since returned to your native country, where you have been required to perform military duty, and desiring my official interference for your relief.

In reply, I have to state that it is not in my power to interfere in the manner you desire. Had you remained in The United States, or visited any other foreign country (except Prussia) on your lawful business, you would have been protected by the American authorities, at home and abroad, in the enjoyment of all your rights and privileges as a naturalized citizen of The United States. But, having returned to the country of your birth, your native domicile and national character revert (so long as you remain in the Prussian dominions), and you are bound in all respects to obey the laws exactly as if you had never emigrated.

I am, &c.

*Mr. J. P. Knoche.*

HENRY WHEATON.

*No. 2.—Mr. Barnard to Mr. Webster.*

(Extract.)

*Berlin, March 11, 1851.*

I HAVE the honour to inclose a copy of a note addressed by me to Mr. Manteuffel in behalf of H. Van de Sandt, accompanied by a copy of Mr. Van de Sandt's letter to this Legation.

*Hon. D. Webster.*

D. D. BARNARD.

(*Inclosure 1.*)—*Mr. Barnard to Baron Manteuffel.*

M. LE BARON,

*Berlin, March 4, 1851.*

I HAVE the honour to inclose a copy of a letter from Mr. Sandt, who has been ordered to leave Prussia by the Landrath of Cleves. As he declares himself a citizen of The United States, although I have not yet seen his passport, I beg to present his request for a reconsideration of his case.

I avail, &c.

*Baron Manteuffel.*

D. D. BARNARD.

(*Inclosure 2.*)—*Mr. Sandt to the American Legation.*

(Translation.)

*Farm near Cleves, February 29, 1851.*

THE Undersigned American citizen does himself the honour to call upon the honourable Legation of The United States for the just intervention of its influence, in his most unpleasant situation.

It is only a few weeks since I came from North America and my kinsfolk here, on some family affairs, and now have inform from the police, by order of the town councillors of Cleves, that I must at once leave the country, or otherwise am threatened imprisonment and compulsory banishment. Now, I have no to be thrust by force across the boundary like a vagabond by uninvited attendants, my business not being, in the mean time finished, so I request your honour's kind interference and aid in this matter. The reason of this strange conduct of the police is unknown to me, as I have not been guilty of any offence, as passport issued by Mayor Kennett, of St. Louis, was vided a place as correct by the Prussian Consul. I cannot think what the police here can want with me.

Would your honour desire to inspect the passport referred to, beg you will give me your kind notice of the fact.

With highest esteem,

*The Legation of the*

H. VAN DE SA

*United States of America at Berlin.*

*No. 3.—Mr. Barnard to Mr. Webster.*

(Extract.)

*Berlin, June 10*

THE Department has heretofore been informed that Mr. Von der Sandt applied to me some time ago to interfere in his case with the Government of Prussia. He claimed to be an American citizen in Prussia, under protection of a regular passport, and complained of harsh and unreasonable treatment, making order the authorities of Cleves to quit Prussia. In a note of the 10th of March last, I asked the Government here to review the case and the decision of the local authorities.

I have received, under date of the 21st of May, a note from the Department of Foreign Affairs, desiring to reverse the decision of the officials at Cleves, a copy of which is herewith communicated. As soon as received, a copy of this note was sent to Mr. Von der Sandt. It would appear, from a letter received from him, dated the 25th of May, and which must have been written before the receipt of the Minister's note to me had reached him, that he has promptly notified of the final decision of the Government in his case, and of the necessity of his quitting Prussia. I send a copy of his letter, which is in German, remarking that it is written in a moderate tone of complaint of the Legation, or the Government, or somebody else, and contains an announcement of his purpose to make his grievances known both to the Prussian and American public through the newspapers.

It will be observed that Mr. Von der Sandt was not provided with a passport from the American Government, but from the Mayor of St. Louis, and that he cannot be a citizen of The United States, since he emigrated from Prussia only in 1849. His motives for leaving Prussia, and the object of his return, are stated in the Minister's letter to me, according to their understanding of the case; and Mr. Von der Sandt has refused to give the authorities any satisfaction in regard to the nature of the family affairs which he had said brought him back to his old home, or the length of time which he desired to occupy in his private business. The Government seemed to be resolved that he should not live in Prussia as a Prussian, and yet escape all the duties of a Prussian subject, under pretence or colour of being a citizen of another country.

*Hon. D. Webster.*

D. D. BARNARD.

*(Inclosure.)—Mr. Le Coq to Mr. Barnard.*

SIR,

(Translation.)

*Berlin, May 21, 1851.*

I HAVE had the honour to receive the note you have been pleased to address to me, dated the 4th of March last, transmitting the complaint of Mr. Henry Von der Sandt, a citizen of The United States, against the order which has been given to him by the Landrath of Cleves to quit the Prussian States, and I hasten to communicate to you information on this subject which I have just received from the competent authorities.

Henry Von der Sandt having, at his request, received a permit of emigration (*Entlassungs Urkunde*), left his country, in 1849, to go to America, with the sole view of screening himself by that from the performance of his military duties in the landwehr. On his return now, he wishes to avail himself of his foreign character to settle and live near his relatives, under the pretext of alleged family affairs, wishing thus to wait until the time of his military obligations shall have expired, reserving himself to get out of the way again in case circumstances should render his presence still necessary under the flag.

The passport of which he is the bearer, and which was issued to him by the Mayor of the city of St. Louis, Missouri, mentions neither the object nor the duration of his journey, and being thus an insufficient means of legalization, it has been deemed necessary to come to an understanding on these two points with Mr. Von der Sandt. The latter, however, not only refuses all explanation, but will not even come forward at the summons which has been addressed to him by the Landrath of Cleves.

In these circumstances, Sir, the King's Government could only approve and sustain the measure which Mr. Von der Sandt com-

plaints of; and I sincerely regret that I am not able to answer in a more favourable manner your intervention in his behalf.

In restoring herewith the letter inclosed in your despatch I have, &c.

D. D. Barnard, Esq.

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No. 4.—*Mr. Barnard to Mr. Webster.*

(Extract.)

Berlin, June 24

THE decision of the Government of Prussia in the case of Mr. Von de Sandt, of which the department is advised, has satisfied that person, and he has written to me again on the subject. I send a copy of his letter, with a copy of one addressed to you in reply, by way of caution and counsel.

Hon. D. Webster.

D. D. BARNARD

(Inclosure 1.)—*Mr. Sandt to Mr. Barnard.*

(Translation.)

Bremen, June 8

I HAVE received the letter of the Secretary of Legation. M. de Bunsen, of the 26th May, and accompanying extracts from letters of the Minister for Foreign Affairs of Prussia of the 21st May. I am, however, thereby, that you have come to an unjust conclusion, that your decision, therefore, turns out disagreeably for me.

From the beginning: that I emigrated in 1849 is an established fact; because, from 5th October, 1843, I threw off the burden of subjection to Prussia and emigrated a short distance out from Bremen. So, also, is it erroneous to say that I emigrated to get rid of military regulations. I have fulfilled my active service perfectly as part of my reserve service, without fault; but if it be that I am liable till my 10th year to the first and second levy of landwehr, and that I cannot emigrate without incurring the appearance of intention to desert from my military obligations, and was the military liability the cause of oppression in this country, there certainly would not be many hundreds who, daily, secretly get across the Rhine, and are not soldiers, and who have no need to fear that; and in America, also, we are not free from the duty of service, but always be ready for any peril which may menace the land, to seize our weapons.

That my non-appearance, on the verbal request of a field marshal to appear before the burgomasters of Kelle, half a league from Bremen (not before the landraths,) was given out to seem to be the principal ground of my proscription, is not justice; for, a long time after my proscription, first came this summons, and not in substance. But the mere fear of my arrest was the reason for my non-appearance; for, had I returned the copy of my passport, which contained nothing dangerous to my personal freedom, to the burgomasters on their request, and if my longed-for personal freedom were assured

me, I would readily enough have complied with the summons, notwithstanding the learned in the law call it indiscreet to mix up in family affairs, and occasions are not unknown here on which people have been summoned and detained by a police office.

That I desire to reside here under the name of foreigner, that I may evade the landwehr service, is also as untrue and unfounded. I wish to remain here scarcely 4 months longer; and, thereafter, I hopefully look forward not any more to need your protection in this country. Also, yonder in America, can the time of my citizen's rights be settled and decided by competent persons, as important and not to be disturbed, so that I can, according to my oath taken, enjoy all the rights I have claim to, with that, also, of voting.

That in Prussia only one passport signed by the Government in Washington is sufficient, was unknown to the person who issued my passport, as well as the Prussian Consul who in good faith visaed it as the legitimate pass of an American citizen. Upon this I have made this unlucky journey, and upon this I maintain that I deserve all protection, notwithstanding all denials and intrigues.

Should your Excellency, notwithstanding all this, not be in position to secure me liberty to be busy here, yet a few months, this may, at least, give you a different idea of my character.

With the assurance that this letter rests on truth and justice,  
I remain, &c.

*D. D. Barnard, Esq.*

H. V. DE SANDT.

P.S. For better faith in the foregoing language, I send, herewith, literal copies:

1. My passport, with the verification by the Prussian Consul at St. Louis.

2. My oath of declaration.

3. My permit to emigrate.

4. My lately received order from the Landrath of Cleves, the original whereof is with my father, H. V. de Sandt, of Bremen, where it can be seen, and to whom you may send answer.

H. V. DE SANDT.

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(Inclosure 2.)—*Mr. Barnard to Mr. Sandt.*

SIR,

*Berlin, June 17, 1851.*

YOUR letter of the 9th instant has been received, and I lose no time in giving you such counsel in reply to it as your case and the positions you assume seem to demand.

Your letter and the inclosures disclose certain facts which should be noted.

In the first place, if you were a citizen of The United States already naturalized, your passport is an invalid one. A mayor of a

city in The United States cannot grant a valid passport. It come from the authority of the general Government, and not any State or city authority. With the visa of the Prussian Consul your passport proved to be sufficient to enable you to get in country; but it was not one on which you could rely to protect in a residence here.

But in the next place, you are not yet a citizen of The United States. Declaring your intention to become a citizen does not make you a citizen. This intention was declared so late as in 1850, and the time required by law for your admission to citizenship after that declaration is very far short of having been accomplished.

When you ceased to be a citizen of Prussia by your emigration and became a resident in The United States, the laws and Government of that country became your protection so long as that residence continued. When, however, you quitted your residence there before perfecting your naturalization, and again took up your abode in Prussia, for your own purposes, your conduct was a peculiar one, and required from you a peculiar and very delicate line of conduct. It was impossible for the American Legation to claim you as an American citizen; though, as a resident of The United States, who had taken the first steps in good faith to become a citizen, and whom we should hope one day to see in the enjoyment of citizenship in that country, we might have asked and would very gladly have been instrumental in procuring for you free permission of the Government of Prussia to remain here for a reasonable time required by your business or your convenience.

The error in your case has been in claiming to be an American citizen, and in insisting on the right to remain here as such without declaring your object or business or the time of your proposed stay. I am quite persuaded, if you had presented yourself voluntarily and promptly, on being required to do so, before the proper authority or officer of the locality, and had laid frankly before him the truth of the case—your position as a resident of The United States intending to become a citizen, the business or objects which brought you back to your old home, and the probable time of necessary stay—that on satisfying such authority or officer of the sincerity and truth of your declarations, you would not have been disturbed.

Perhaps it is not too late yet. If it is still desirable to you to remain, I should advise you to try what a frank exposition of your case before the burgomaster or landrath might be able to effect for you. But you should avoid any spirit of demand or of controversy. State exactly your position as it has now been laid down to you from this Legation, state exactly wherein you have been mis-



and ask permission, as a matter of favour and courtesy, to remain where you are till you can accomplish the business which brought you back to Prussia.

If you will put yourself on the ground here indicated, and respectfully ask to be permitted to remain in the country for the completion of the lawful objects which brought you here, I should hope that such permission might still be granted to you. I regret very much the inconvenient position in which you find yourself, and am very desirous of being of service to you by the information and advice which I give you.

Yours, &c.

*Mr. Von de Sandt.*

D. D. BARNARD.

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*No. 5.—Mr. Barnard to Mr. Webster.*

(Extract.)

*Berlin, July 29, 1851.*

I HAVE the honour to inclose to you copies of correspondence, as follows:

A letter from Mr. Bates to me, of the 19th July, with the inclosure, being a letter from a Mr. Brand, claiming to be an American citizen, and who is imprisoned at Coblentz; my letter to Mr. Bates, of the 22nd July, on this subject; a letter from Mr. Bates to me, of the 25th July, referring, in the conclusion, to the case of Mr. Brand, but chiefly relating to the detention of Mr. Thomas N. Dale, an American citizen at Aix-la-Chapelle, on the old ground of the want of a Prussian visa to his passport; my answer to Mr. Bates, of the 28th instant; and my note to the Minister of Foreign Affairs on the question of passports, of the same date.

My letter to Mr. Bates, last referred to, together with my note to the Minister, will show what action I have taken in regard to the difficulty which it seems is still sometimes made by an over-zealous police about American passports. I have the strongest assurances that steps shall be taken to correct the evil.

In regard to the case of Mr. Brand, it will be seen by Mr. Bates's letter of the 25th instant that he had, up to that day, received no further information from Mr. Brand, and that he had written to the legal officer of the King, at Coblentz, on the subject.

In a personal interview which I had yesterday with Mr. Le Coq, the Under-Secretary of State (the Minister being absent), I presented the case of Mr. Brand to his notice, as far as I had information on the subject, with an earnest, though friendly, appeal in behalf of this person, if it should appear that he was an American citizen and had not been guilty of any real crime. I was met, on the part of Mr. Le Coq, with the most friendly assurances. I have handed him a copy of Mr. Brand's letter. I have great confidence that if Mr. Brand is not at once released from his confinement by the local authorities at Mr. Bates's instance, he will be released as

soon as the Government here can inform itself of the facts, for the case is one which may admit of its favourable interposition. Whatever facts or information may be received from Mr. Bates be promptly laid before the Minister.

My desire being first of all to procure this man's release, if possible, and knowing very well how a formal correspondence (at least, it would be so here), tends to defeat the object when wishes to reach a particular object in the shortest time, I purposely avoided that course in this case. In the end a correspondence may be resorted to, if the case, when all the facts be disclosed, seems to require it, whether the man be released or not.

*Hon. D. Webster.*

D. D. BARNARD.

(Inclosure 1.)—*Mr. Bates to Mr. Barnard.*

SIR,

*Aix-la-Chapelle, July 19,*

I HAVE just received the letter from Coblenz, a copy of which is inclosed herein. I have replied, acknowledging its receipt, requesting the writer to send me his passport, if possible, and to state when he first went to The United States, how long he remained there, and when and where he was naturalized.

If he turns out to be an "American citizen," what shall I do in the matter?

Very respectfully, &c.

*D. D. Barnard, Esq.*

J. C. BARNARD.

(Inclosure 2.)—*Mr. Brand to Mr. Bates.*

(Translation.)

*Coblenz, July 16,*

On the 16th April, last year, I took from the authorities at New York a passport, and also an authenticated copy of my naturalization certificate. On the next day, the 17th, I sailed from New York, and in 51 days came by sailing vessel to London. There I stopped a while; made a visit on business to Ireland, and thence back to England, where I remained some months; and partly on business, partly on family matters, travelled to Germany. Nearly 5 weeks I was in the neighbourhood around Coblenz. On the third day of my being here, at 11 o'clock at night, I was sought at my dwelling by a police serjeant, asking for my passport, which I showed him, the which he could not read, being written in English, so he took me with him to the guard-house.

Arrived here, all my effects were examined, one travelling bag containing 15 dollars, 4 rings, and some body linen besides, taken, while the rest which I had gathered in my travels I had forwarded to my home in New York. The day after the arrest I was carried before the authorities for examination. I asked what was my offence.

official answered me I had been guilty of the offence of sending off emigrants, which is forbidden by law there.

Thereupon I denounced this as the grossest untruth, and moreover called for proof; so I was remanded to confinement, and after 3 days taken before the public prosecutor, when not a word was said about the before-mentioned offence, but a commitment was made out for a term of 8 days, with a remark that vagrancy was charged; and in this way was I robbed of my liberty, despite of my papers and passport.

In no respect have I been shown to be an offender or culprit, as has now been said.

I assert that I cannot understand the reason of this proceeding against me, and I make humble petition to your Excellency as guardian and upholder of our laws, promptly to effect my liberation from this disagreeable situation, and not only help me to the recovery of my lost liberty, but to follow up all the state of facts, and especially on the foundation of the American laws, which must protect me as a citizen of The United States in a foreign country, to take all proper steps in my behalf.

In the hope of early aid, I subscribe myself, &c.

*J. C. Bates, Esq.*

J. W. ED. BRAND.

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(*Inclosure 3.*)—*Mr. Barnard to Mr. Bates.*

(Extract.)

*Berlin, July 22, 1851.*

I HAVE also received your letter of July 19, with an inclosure in reference to the arrest and imprisonment at Coblenz of a person claiming to be an American citizen. If this man is really innocent of any offence, his arrest and imprisonment is a great outrage; and if he is an American citizen, as well as an innocent man, upon the facts being made known to me, I should deem it my duty to make it the subject of a grave complaint to the Government.

But the first thing to be done is to get the man out of confinement, if that be possible. If you have received his passport and papers, you will know if he is a citizen of The United States. If you find he is so, I wish you would ask from the authorities at Coblenz for his immediate release from confinement, on the ground of his citizenship, and in case of refusal, that they would furnish you at once with the grounds of accusation against him, and of his imprisonment, in order that, being communicated to this legation, the matter may be laid before the Government at Berlin, or such action taken upon it as the case may seem to demand.

If nothing is laid to this man's charge other than what is alleged in his letter, there is certainly very insufficient ground for his imprisonment. If he is an agent soliciting emigration, for purposes of his own, or in behalf of others in whose employ he may be, or if he

be a vagabond, as he says they accuse him of being, these are his crimes for which he should be subjected to punishment by Prussian authorities. They might send him out of their territory if they think his stay here dangerous to the morals or the quiet of the country.

I ardently hope you may be able to effect Mr. Brand's release and that without any further reference of the matter to the Legation.

*J. O. Bates, Esq.*

*D. D. BARNARD.*

*(Inclosure 4.)—Mr. Bates to Mr. Barnard.*

*(Extract.)*

*Aix-la-Chapelle, July 25, 1852.*

YOUR letter of the 22nd instant was received yesterday. I have heard nothing from Mr. Brand, in reply to my letter, and this morning wrote to the Procureur du Roi at Coblenz, requesting him to send, for my inspection, Mr. Brand's passport and papers, that I might determine whether he was really a citizen of the United States.

You shall be duly advised of the course of events.

*D. D. Barnard, Esq.*

*J. C. BATES.*

*No. 6.—Mr. Fay to Mr. Webster.*

*(Extract.)*

*Berlin, May 15, 1852.*

I HAVE to inclose another case growing out of the same question. Mr. Gustavus Behne addressed a note to Mr. Barnard, under date of April 10, 1852. Not distinguishable from a private letter, it followed him to Naples, whence I have just received it.

Annexed is the copy of a note addressed by me to Baron Manteuffel, which, with its accompanying inclosure, states the case. Mr. Behne declares he was not born in Prussia at all. This I will possibly procure for him a favourable reply. I have little hope of success in the application of Mr. Leopold.

*Hon. D. Webster.*

*THEO. S. FAY.*

*(Inclosure.)—Mr. Fay to Baron Manteuffel.*

*M. LE BARON,*

*Berlin, May 13, 1852.*

MR. GUSTAVUS A. E. BEHNE had addressed to Mr. Barnard a note, extracts from which I have the honour to inclose. He declares himself an American citizen, not born in Prussia at all. About July or August, 1840, he received a summons at Dusseldorf to enter the Prussian army, with the information that the Prussian Government regarded him as a Prussian subject because his father was a Prussian subject. Alarmed by an attempt to arrest him, he left for America, whence he returned last September. He is now living at Brussels.

waiting the answer to his request for permission to remain some time in Prussia, without being called upon to satisfy the conscription.

I have the honour to lay this case before your Excellency, with the certainty that, if no valid objections be found to exist, I shall be able to communicate a favourable reply. I profit, &c.

*Baron von Manteuffel.*

THEO. S. FAY.

*No. 7.—Mr. Barnard to Mr. Webster.*

SIR,

*Berlin, June 15, 1852.*

I HAVE the honour to inclose herewith a copy of a letter from the office of Foreign Affairs in answer to one from Mr. Fay in regard to the matter of Mr. Behne. This letter refers to another from the same office, in regard to the same matter, dated October 19, 1849, and which by mistake has not been brought to the notice of the Secretary of State at Washington at the time, for the reasons stated in a note appended to a copy thereof, which is now forwarded.

I transmit also a copy of my letter to Mr. Behne, informing him of the unsuccessful result of his application.

I have, &c.

*Hon. D. Webster.*

D. D. BARNARD.

*(Inclosure 1.)—Baron Schleinitz to Mr. Hannegan.*

(Translation.)

*Berlin, October 19, 1849.*

THE predecessor of Mr. Hannegan, Envoy Extraordinary and Minister Plenipotentiary of the United States of North America, communicated, on the 23rd May last, to the King's Ministers a petition of Mr. Gustave Behne, citizen of The United States, residing at Dusseldorf, in which this person remonstrates against the injunction served on him to satisfy his military obligations to Prussia.

A correspondence having been opened on this subject with the Ministry of the Interior, and through its intermediation with the competent provincial authorities, it is only now that the Undersigned finds himself in condition to apprise Mr. Hannegan of the result of the inquiries to which the remonstrance of Mr. Behne has given rise.

The father of this individual, doctor in medicine, born at Nordhausen, in Prussia, the 25th April, 1799, had resided five consecutive years at Werninghausen, in the Duchy of Saxe-Gotha. Returning to his native city in 1831, he lived there till the month of May, 1840, where, abandoning his wife and two sons, he went off to the United States of North America, without having previously obtained an emigration licence. Of these two sons, one, Gustavus Edward

Augustus (who is at this moment at Dusseldorf), was born 1st September, 1828, at Werninghausen; the other, Oscar, 13th of August, 1831, at Nordhausen. In the month of October, 1848, all the family emigrated, alike without the permission of the Prussian Government, for North America, carrying off what little property they had in Prussia.

It follows, from this exposition, that the Behne family must be considered as belonging still to Prussia, because it has not broken the ties which connect it with its native land. The Legation of Dusseldorf has therefore held it to be its duty to call on the father, the eldest of the two sons of Mr. Behne, who has at the age requisite for serving in the army; and the Ministry of the Interior announces that it has no power to dispense with the provisions of the law.

In giving this information to Mr. Hannegan,

The Undersigned, &c.

— *Hannegan.*

SCHLEIER

*Berlin, June 8*

N.B.—This note is not recorded in the despatch books of the Legation, and does not appear to have been the subject of any correspondence. It is dated the 19th October, 1849. Mr. Hannegan had returned to his post 5 days previously, on the 11th of the month, in a high state of fever. On the day of the date of the note I myself dangerously attacked with an inflammation of the lungs, which for several weeks confined me to my bed, and for months kept me in a state of great suffering. In this matter no communication was not communicated to the department.

THEO. S.

(*Inclosure 2.*)—*Baron Bulow to Mr. Fay.*

Sir,

(Translation.)

*Berlin, June 5*

I HAVE the honour to draw your attention, in reply to your letter of the 13th of last month, to the point that the petition of Mr. Gustavus Edward Augustus Behne, calling himself an American citizen, and who is at present at Brussels, has already been the subject of correspondence between the Legation of the United States and the King's Administration. It was ascertained at the same time that the Behne family must be considered as belonging to Prussia, the father, doctor in medicine, having left his native country in 1840 without an emigration licence.

On referring in this matter to the note, which was added on the 19th October, 1849, to Mr. Hannegan, I will add that, if Mr. Gustavus Behne, who in the month of May of that year resided at Dusseldorf, was not then incorporated in the army, it was be-

at the moment of the summons, he undertook a little journey to foreign parts, from which he has not again returned to Prussia.

As nothing has changed since then the position of this young man, the authorization which he solicits, to be able to re-enter Prussia temporarily, without being obliged to satisfy his military duties, cannot be granted to him.

In requesting you, Sir, to inform the petitioner of this decision, in reply to the request he has addressed from Brussels to Mr. Barnard, I have, &c.

For the Minister of Foreign Affairs,

*T. S. Fay, Esq.*

BULOW.

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*No. 8.—Mr. Barnard to Mr. Webster.*

(Extract.)

*Berlin, July 13, 1852.*

I HAVE the honour to inclose to you herewith copies of correspondence :

Relating to Dr. Gutowski, asking relief from an order to quit Prussia ;

Relating to the case of Christian Hormann, a naturalized citizen of The United States, arrested on a demand made upon him to serve in the Prussian army ;

Relating to the case of B. Meyer, also a naturalized citizen of The United States, on whom a fine has been imposed, in his absence, for having left Prussia without permission, and who is threatened with being forced into the Prussian army, if he can be got hold of.

I beg leave, Sir, to call your attention particularly to my letter to Baron Manteuffel in the last case here enumerated. \* \* I have taken occasion to submit to him some observations on the general subject of the laws of Prussia in regard to permits of emigration as attempted to be enforced against naturalized citizens of The United States, in connection with the right which she seems disposed to insist on, to compel all such citizens who have failed to obtain permission to emigrate, to enter and serve in the Prussian army, whenever she can lay her hand on them for that purpose.

\* \* \* \* The object I have in view \* \* is to bring the Prussian Government to a friendly arrangement in the matter, by which \* \* it will practically cease to offer \* \* annoyance to American citizens on this ground.

\* \* I had a personal and friendly interview with the Minister of Foreign Affairs on the subject, in which I expressed to him directly and distinctly my views, \* \* and why I thought it important to both countries that we should come to some understanding in regard to it. He agreed with me in thinking this every way desirable, but did not for the moment see what was to be

done, since, so long as the Prussian laws on the subject exist, courts must enforce them, and the Government could not interfere with the courts. \* \* \*

*Hon. D. Webster.*

D. D. BARNARD.

*(Inclosure 1.)—Mr. Barnard to Baron Manteuffel.*

M. LE BARON,

*Berlin, July 1,*

I HAVE received from Alexander R. Gutowski, doctor of medicine at present residing at Rakocin, near Witkowo, in the Grand Duchy of Posen, a letter dated the 25th of June, asking my interposition on his behalf with the Government of His Majesty the King to exempt him from the effect of an order which he has received from the authorities of the province to quit the country within about 4 weeks.

Dr. Gutowski informs me that no reason has been assigned to him for this order. He is an American citizen, though born in Poland, having been regularly naturalized in The United States in the year 1839. He has a regular passport as such citizen, issued to him at the Legation in January, 1851, and visaed at the office of the Ministry of Foreign Affairs in Berlin on the 9th February, 1852.

Born in the district of country where he now is, where his brother and two sisters now reside, and where his parents reside till their death, which happened not long since, he is the proprietor there of a farm costing 3,000 thalers, which he is at present engaged in taking care of and cultivating. This is the information which he gives me. He declares that he has done nothing to deserve the order he has received; that he respects and obeys the laws of Prussia; that he has taken no part whatever in politics; and that he can prove his good conduct by the most respectable persons.

What Dr. Gutowski asks is, that he may have the permission and authority of the Government of His Majesty to remain in the country he is for a year, or until he can dispose of his property without being obliged to sacrifice it.

I should hope that this request of a respectable and inoffensive man, as Dr. Gutowski certainly appears to be, may be considered a reasonable one, and that the permission he asks for may be granted.

I pray, &c.

*Baron von Manteuffel.*

D. D. BARNARD.

*(Inclosure 2.)—Mr. Barnard to Baron Manteuffel.*

M. LE BARON,

*Berlin, July 3,*

CHRISTIAN HORWANN, a citizen of The United States, informed me by letter, dated at Petershagen, the 28th June, that on the 26th June he was arrested at that place, taken to Minden, a distance of one German mile and a half, and placed in prison, where he was kept during the night; that the next day he was taken



before the local magistrate or authority at Minden, and, on examination, discharged provisionally, and allowed to return to Petershagen, but only after his signature had been obtained to a writing which he did not comprehend, and after his passport had been taken from him and retained.

The history of Christian Hormann, as he relates it, is this: He was born in 1825, in the village of Seidfeld, belonging to the parish of Petershagen. His father emigrated to The United States in 1830, one of his sons, older than Christian, having already resided there several years. In 1838, his mother went to The United States, and he accompanied her, then being of the age of 13.

It had been lately resolved to dispose of the property of his father and mother in Petershagen, and he came to Prussia for this object, and with authority from them. On his arrival at Petershagen, he presented himself before the proper authorities with his passport as a citizen of The United States, and other papers, which were found in proper order.

His arrest, it appears, was upon some allegation that, as a boy of 13 years of age, he had offended against the laws of Prussia in regard to military service, by accompanying his mother in her emigration to The United States. This seems to have been the idea of the authorities at Minden, whilst it appears that the authorities at Petershagen entertained no such opinion, but the contrary.

I beg leave to ask your Excellency's attention to this case, and that I may be informed whether it is claimed that the authorities in question had any ground of justification for this harsh proceeding towards Christian Hormann. If no justification can be alleged, I am sure his Majesty's Government will not allow the case to pass without the proper rectification and redress. I seize, &c.

*Baron von Manteuffel.*

D. D. BARNARD.

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(*Inclosure 3.*)—*Mr. Bates to Mr. Barnard.*

SIR,

*Aix-la-Chapelle, July 2, 1852.*

MR. B. MEYER, a native of Paderborn, in the province of Westphalia, emigrated 7 years ago, at the age of 18, to The United States, for the purpose of becoming permanently located there; became a naturalized citizen of the same, and is furnished with a passport from the Secretary of State, dated May 6, 1852. He has returned to Germany for the benefit of his health, to see his relatives, and to attend to some private business which requires his personal presence at Paderborn.

Before emigrating, he did not obtain the permission of the Prussian Government to do so, and since his arrival in Germany he has been furnished with a copy of a judgment, dated November 22, 1851, of the Konigliches Krieysgerecht, of Paderborn, addressed to

his mother, and condemning him to a fine of 50 thalers having complied with the laws of Prussia with regard to service.

This copy I inclose to you, marked A. On receipt document, he addressed a letter to the burgomaster of Paderborn, dated New York, 20th March, 1852, stating that he emigrated for the purpose of locating himself permanently in America, for the purpose of avoiding military service in Prussia, &c.

This letter was sent by him to the burgomaster through the attorney of Paderborn, a personal friend of his. No written answer has been received to it. The burgomaster simply answered verbally, to the attorney by whom the letter was presented, that he could do nothing in the matter, and that Mr. Meyer was obliged to serve in the army if found at Paderborn. Other information to the same effect has reached him through personal friends of the family, who occupy official positions at Paderborn, and he is at a loss to know what to do. Go to Paderborn he must, be it what it may, and see the consequences what they may. He has a mother living there, of advanced age, whom he has not seen for many years, and, moreover, some important business of family affairs to attend to. His intention is to remain in Germany about 3 months.

In reply to his question as to what he should do, I have given him my opinion that, as a properly naturalized citizen of the United States, he could not be liable to military service in Prussia, but that I saw no proper ground or chance for interference. If some proceedings had been officially commenced against him, I could not compel him to do so.

Not being very familiar with the Prussian military laws, I have left the papers with me to you, begging you to instruct me in the matter, both as to advising him what to do and as to the course to be pursued in case he should go to Paderborn, be arrested, and be obliged to perform military service. I have informed him that I should advise him as to the course to be pursued. It is an affair which ought to be settled amicably with the authorities, for Mr. Meyer has given me to understand that he has some property there, which is in danger of being confiscated in the ordinary course of law.

Mr. Meyer's passport is perfectly in good order. I did not send him his papers of naturalization, but he tells me that he has them if we wish them.

Very respectfully, &c.

*D. D. Barnard, Esq.*

JOHN C. BATES

(Inclosure 4) -- *Mr. Barnard to Mr. Bates.*

Sir,

*Berlin, July 1st*

I HAVE received your letter of July 2, in regard to the case of Meyer.

My hands, just now, are full of these cases. I shall lose no time in bringing the case of Meyer to the notice of the Government. I have arranged for a special interview with Baron Manteuffel to-morrow on the whole subject. The questions that arise are not without serious difficulty. I hope, however, to be able to make an amicable arrangement, which shall relieve Mr. Meyer and all other American naturalized citizens, situated as he is, from the embarrassment to which they are now subject.

I am not prepared, at this moment, to say that the counsel you have given Mr. Meyer, involving a delicate and long-mooted point of international law, is free from doubt; and I earnestly advise Mr. Meyer, at least, to wait till he hears further from this Legation, and not to go to Paderborn at present, to encounter there a judgment recorded against him in a matter which the Prussian law regards as criminal, and in face, also, of the official declaration that, if he comes there, he will be put into the army.

With great respect, &c.

*J. C. Bates, Esq.*

D. D. BARNARD.

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(*Inclosure 5.*)—*Mr. Barnard to Baron von Manteuffel.*

M. LE BARON,

*Berlin, July 8, 1852.*

A PERSON whose name is Meyer, born in Paderborn, in Prussia, in the year 1827, and now a citizen of The United States, emigrated to that country in the year 1845, when he was 18 years of age, having been furnished with a regular Prussian passport. At the time of his emigration, the subject of the military requirements of the Prussian laws, and the necessity or propriety of his procuring a permit of emigration was not thought of. Subsequently the subject recurred to him, and he requested his relatives and friends in Paderborn to attend to the matter, and procure for him a permit of emigration, which they promised to do.

Sometime afterwards he went from the eastern to a remote western part of The United States, where he remained for some years, and, until recently, and during this period, no communication from his family in Paderborn reached him.

On his return in the early part of the present year, to the city of New York, he learned for the first time that his friends had neglected to procure for him a permit of emigration, and that proceedings had been instituted against him for violation of the military laws of Prussia, and he had been condemned to pay a fine of 50 thalers. This judgment was rendered in the Royal Circle Court of Paderborn on the 22nd November, 1851.

On receiving this information, he addressed a letter on the subject to the Burgomaster of Paderborn, dated the 20th March, 1852, a copy of which I have the honour to inclose to you herewith.

He received no answer to this communication, except one through a friend, that the Burgomaster could take no part in the matter, and that if he came to Paderborn he must serve the Prussian army.

Earnestly desiring, from a sense of filial duty, as well as an urgent call of business, to visit Paderborn, Mr. Meyer has returned to Europe. He has an aged mother living at Paderborn, and some property there in which he has an interest, which is in danger of being sacrificed without his personal presence and attention. He has no desire, I believe, to remain a moment longer than his business which calls him there may positively demand.

His request is to be permitted to visit Paderborn, and, at the same time, that such measures may be taken in his behalf that he shall be secure against arrest and all annoyance on account of the fine that has been imposed upon him, as well as on the ground of any claim upon him to enter or serve in the Prussian army. He has a regular passport as an American citizen from the Prussian authority at Washington.

I hope His Majesty's Government may find no difficulty in acceding to this reasonable request of Mr. Meyer.

It does not admit of a doubt that this man has not been guilty of any intentional breach of the laws of Prussia. He left Prussia as all his acts and his solemn oath demonstrate, with the intention of changing his residence and his country, and of becoming the subject of another State. This he has done. And no more can be predicated of him that he left Prussia with the intention of avoiding his military duty, because he chanced to neglect the formality of a permit of emigration, than the same thing can be said of the thousands of others who emigrate yearly from Prussia, many of whom have complied with that regulation. Does it is to be regretted, and Mr. Meyer himself regrets, that a permit of emigration had not been procured for him at the time of his emigration, since such is the legal regulation. But if such a permit would have been granted to him without hesitation, if asked for at the time, as I presume admits of no doubt, there would seem to be no good reason, since he has been guilty of no crime, but only in the neglect of a formal regulation, why he should not now obtain such permission, or something equivalent to it, to take effect during the period of his emigration, and which shall effectually protect him from all annoyances as a citizen of The United States in his affairs in Prussia on his lawful affairs.

I desire on this occasion, as on all occasions, to appeal to the friendly disposition of His Majesty's Government toward the United States. On this ground I ask His Majesty's Government to consider whether there is not something better to be done in cases of this sort which are now occurring, and likely to occur

frequently, than to insist on the rigid application of the domestic laws of Prussia, or to insist on their applicability, under whatever notion of the abstract rights of sovereignty, even supposing them to be ever so well founded, to persons who have in the most solemn form, and in 'perfect good faith, following in this regard a natural and undoubting impression of their absolute right to do so, renounced their allegiance to His Majesty, and become, as they intend perpetually to remain, the subjects of a foreign and friendly State; whether there is not something to be done better than to insist on a course of proceeding from which no substantial benefit can ever be derived, but which, on the contrary, cannot fail to produce irritation and dissatisfaction, and in the end, it is to be feared, serious difficulty.

It can afford certainly no satisfaction to Prussia, if she should be able, even supposing she could have any such desire, to exact a small sum now and then by way of fine from a few American citizens who may chance to find themselves temporarily and on their proper business in this country, because from thoughtless inattention when they were mere boys, they went away, or because their parents, from thoughtlessness or any other cause, led them away from Prussia to a foreign country without having first obtained a permit of emigration. Still less could Prussia derive either satisfaction or profit from the forced service, if such a thing were practicable and would be submitted to, of such American citizens in the Prussian army; though on this point I must be allowed to add, that I cannot suppose that His Majesty's Government can have any design or any desire to force these citizens into its military service.

Is it necessary, then, let me ask, or can it be proper, that the local authorities in Prussia should be suffered to take advantage of the casual presence of these persons in Prussia, coming here on errands of affection or of business, to annoy and harass them by proceedings which are not at all likely to produce any beneficial result to anybody, or any practical result whatever, except such as everybody must lament; or by holding up the laws, exactions, and proceedings referred to, as a threat and a terror, to prevent or deter them from coming here, when on every consideration of justice, of humanity, and of friendly regard towards the country of their adoption, and which now owes them protection, they ought to be allowed to do so?

Mr. Meyer, as I have said, is now in Europe. He is here expressly for the purpose indicated by me, and is waiting for the proper protection to enable him to visit Paderborn.

Accept, &c.

*Baron Von Manteuffel.*

D. D. BARNARD.

*No. 9.—Mr. Barnard to Mr. Webster.*

(Extract.)

*Berlin, July 24*

I FORWARD also herewith a copy of an additional letter from me to Baron Von Manteuffel, in the case of Dr. Gutowski.

*Hon. D. Webster*

D. D. BARON

(*Inclosure.*)—*Mr. Barnard to Baron von Manteuffel.*

M. LE BARON,

*Berlin, July 14*

REFERRING to my letter to your Excellency of the 1st of 1852, in reference to Dr. Gutowski, I have the honour here to inclose to you, at his request, two documents, which I have received from him, and which I doubt not will receive your attention. These documents are:

1st. Dr. Gutowski's petition to his Excellency the Minister of the Interior, and

2nd. A certificate of guarantee for Dr. Gutowski, from Count Skorzewski.

I renew, &c.

*Baron von Manteuffel.*

D. D. BARON

*No. 10.—Mr. Barnard to Mr. Webster.*

SIR,

*Berlin, August 1*

I HAVE the honour to inclose to you a copy of a letter addressed by me to Baron Manteuffel, in the matter of Christian George Born. I do not send a copy of Mr. Born's letter to me, as he has informed me that he has already transmitted a copy to the department.

I have, &c.

*Hon. D. Webster.*

D. D. BARON

(*Inclosure 1.*)—*Mr. Barnard to Baron von Manteuffel.*

M. LE BARON,

*Berlin, August 1*

I REGRET very much to be obliged to bring to your Excellency notice another complaint of a citizen of The United States, travelling in Prussia on his lawful business. The proceeding complaint took place at Minden, and the principal actor in the affair was an official personage whose name is Von Hassenkrug, though there were others who seem to have taken a willing part in it.

The person to whom this wrong has been done is Mr. C. George Born, a native of Prussia, but a resident of The United States since 1837, and now a citizen of that country. He is a merchant, engaged extensively in business, and visits Germany frequently, though he is at the same time specially commissioned to the Department of State at Washington, as bearer of despatches to the Legation of The United States at Vienna, to which place he has now proceeded. Of his entire respectability and unexceptionable

character there cannot be a doubt, nor is it easy to understand what possible excuse there could have been for making him an object of suspicion, and treating him as he was treated, like a criminal.

Mr. Born having addressed to me a full and minute statement of his grievance, and of the circumstances of his arrest, detention, and examination, I have caused a translation of the principal contents of that communication to be made into the German language, which I have the honour herewith to inclose to you, together with an appendix, containing a long list of names of respectable persons in Prussia, to whom Mr. Born refers for his character and standing.

The sum of the case then, is this: Mr. Born comes to Prussia as an American merchant, visiting the merchants and manufacturers of Prussia with a view to the prosecution and extension of his lawful business, and by which the beneficial trade between the two countries would be promoted and extended. He enters Prussia with a regular passport, which is regularly visaed at Aix-la-Chapelle. Having business to transact at several different towns and places in the neighbourhood of that place, 3 or 4 weeks is thus actively consumed. He then leaves Dusseldorf to go to Bremen, through Minden. At Minden he encounters Mr. Von Hassenkrug. This official from the first is imperious and rude in his behaviour. He threatens to detain him before he has seen his passport, and before he could know if there was the slightest ground for detaining him. When his passport is produced, he immediately pronounces it not in order, and yet immediately proceeds to write a visé upon it, and he renders it back to the bearer as a proper authority for his proceeding on his journey. But happening at this moment to understand that Mr. Born was on his way to Bremen, and so about to pass out of Prussia instead of remaining in it, he takes his passport from him, and angrily proclaims that he shall be detained, and his baggage minutely searched. To convince him of his error, and to show him who it was with whom he was dealing thus harshly, Mr. Born exhibits to him a document under the signature and seal of the Secretary of State of The United States, appointing him a bearer of despatches from that Government to Vienna. This document produced no change in Mr. Hassenkrug's conduct, and no effect upon him but to cause him to indulge in an expression towards The United States too vulgar and indecent to be repeated. He persists in detaining Mr. Born, and orders him and his baggage to the room of the third and fourth class passengers, where his baggage is overhauled and examined. After this he is conducted, in the custody of a police officer, an English mile and a half, to the police court of Minden, followed by a rabble, as if he had been a condemned culprit. At 10 o'clock, having arrived at the station of Minden at half-past 4 in the morning, his examination



commenced before an under officer of the police court. His reasonable and earnest request that the Landrath, or chief of police, might be present if the papers and writings in his possession were examined, was not complied with. These papers and writings were opened and examined by the under officer, assisted by Mr. H. Krug, they possessing themselves in this way of a knowledge of the private and business affairs and relations of Mr. Born, which those papers might disclose. Finally, at near 12 o'clock, unable to find the slightest material to justify a proceeding which from the first had no foundation in reason, Mr. Born was dismissed and allowed to pursue his journey.

I am sure that this sort of unjustifiable and apparently vexatious annoyance offered to citizens of The United States travelling in Prussia, or temporarily visiting this country on business, of which there have been of late too many examples, cannot meet the approbation of His Majesty's Government. I hardly need assure Your Excellency that I claim for my countrymen visiting Prussia exemption from the just operation of the regular laws and regulations of Prussia which have for their object the protection of society and the Government against crimes either perpetrated or devised for their overthrow or injury; but, when proceedings are instituted against them for which no justification can be alleged, even an excuse which could stand a moment's candid examination, it becomes my imperative duty to interpose in their behalf, in cases where some casual circumstances may have excited suspicion enough perhaps to make it not improper that some inquiry should be instituted on the part of the local police or authorities. It is equally my duty to appeal to the Government of His Majesty against proceedings which are so conducted as to confound and level all moral distinctions, all notions of right and wrong, and to place the innocent and the guilty in one common category of oppression and ignominy.

In the best and most humane systems of Government or administration, prudence, legal suspicion may light on an innocent person. If suspicion is to be made a ground of accusation and of criminal proceeding, it should at least have something better to rest upon than imagination, or a mere wild and vague conjecture; and, in any rate, when acts and circumstances affecting an individual are such as say the least of it, quite as consistent with his innocence as with any imputation of guilt, every rule of law, and every dictate of reason, justice, and humanity, require that his innocence should rather than his guilt should be assumed until the contrary shall be manifest, and, if molested at all, it should only be with the most studied and delicate regard to his personal rights and his feelings as a man. This is what is due to every human being; and



lightened and humane as the Government of His Majesty is well known to be, this, I assume, is what is, and always must be, accorded to His Majesty's subjects in the circumstances supposed; and this is what, in the behalf of my Government, I claim shall be accorded, under the same circumstances, to the citizens of The United States visiting Prussia. It certainly would have been as easy and quite as efficient to have conducted the proceedings in the case of Mr. Born, in a mild, reluctant, temperate, and friendly spirit, as with the fierce zeal and vindictive temper manifested towards him. There were no appearances about him to have raised at any time even a well-grounded suspicion. He had not entered Prussia without a passport perfectly in order; and for the time that he had remained within the Prussian dominions, there was nothing which was not susceptible of the easiest explanation, and nothing which was not promptly and fully explained on the spot. There was a respectable Prussian present to answer for him, who had known him for 30 years; and if anything was still wanting to put an end to all questions about his character and pretensions, it was supplied by the commission which he bore and exhibited from the Department of State at Washington. This, however, was not only not enough to prevent his being detained and ill treated, but this very document gave occasion to Mr. Hassenkrug to vent his vulgar malignity against a Government and country with which His Majesty the King, his royal master, maintains relations of peace, commerce, and amity, as they have been maintained uninterruptedly, by Treaty, from the time of the Great Frederick, and from the earliest infancy of the American Government.

The proceedings against Mr. Born, and his personal treatment, were altogether in a spirit of oppression and vindictiveness such as a known and undoubted criminal might perhaps have encountered without cause of complaint, and not at all in the spirit of an honest and necessary inquiry, made merely to ascertain whether there was any reason for detaining him, or regarding him as a suspected person. His examination was prosecuted in an inquisitorial manner, and as if to intimidate and entrap him. His language was misinterpreted, and his truth openly questioned and denied. He was treated throughout as a guilty person, assumed to be so, and as if nothing remained but to find in his words, or among his effects or his papers, not the proofs of his guilt, but the materials to justify the assumption of his guilt; and all this while, I feel bound to say, that Mr. Born was as innocent, whether in conduct or in thought, of any offence against His Majesty, his Government, or his laws, as his accuser, or his respectable examiner, and that from the first to the last there was not the least reasonable ground for believing otherwise.

I submit this case to your Excellency's consideration. It fail to be regarded as one calling for the interposition of Majesty's Government, and for some suitable action on the part of the Government. The case is the more grave, because it does not stand alone. Had been a solitary instance, it might have been looked upon as an isolated case; but, unhappily, it is not. I cannot doubt that your Excellency will agree with me that an end ought to be put to these annoyances. They produce feelings of insecurity, and of discontent and dissatisfaction. Inoffensive and respectable travellers in Prussia from The United States, ought to be relieved from them, and from all apprehension of them; and I trust that I may have the assurance that the just influence and authority of His Majesty's Government will be exerted to prevent their occurrence.

Receive, &c.

*Baron von Manteuffel.*

D. D. BARON

*No. 11.—Mr. Barnard to Mr. Webster.*

(Extract.)

(Confidential)

*Berlin, August 1861.*

MR. BORN having appealed himself to the department, and sending a copy of his letter addressed to me, I proposed to leave his case into your hands, or at least to wait for your instructions, and I so informed him. But I have supposed on that point that the department would prefer, in all cases of this sort, to be rather troublesome than serious, should be taken care of by the Prussian Government, at least in the first instance.

As complaints on the part of citizens of The United States, native as well as naturalized, of ill-treatment in Prussia, have multiplied of late, I have assumed a more serious tone in the matter. Mr. Born, than otherwise I should have thought altogether necessary.

You will observe that the complaints which come to this department are chiefly from the German Americans. There is no doubt that when coming back here, they are always more or less objects of suspicion to the Prussian Government and its officials are always on the look-out for the German Democratic Propaganda and its agents. The things are enough to arouse attention; and it happens, unfortunately, that many of our naturalized German citizens, when in their native country, who are in no sense political agents, and who come here on no political errand whatever, come nevertheless with very sublimated notions of the personal liberty and independence which belong to them as Americans, and are apt to forget that Prussia is not exactly the most appropriate sphere in which to play these qualities. As a general thing, they submit with less patience and good temper to the internal and police regulations of European countries than our native American citizens.

high bearing and assumptions are often the commencement of the difficulties they encounter. They do not easily brook the exercise of any sort of summary authority over them. And when, having fallen into trouble, they bring their complaints to an American legation, their demands are apt to be very high and very imperious. Mr. Born, for example, one of the most respectable and well informed of the whole class of German emigrants returning to visit their native country, demands, as you will observe, 20,000 rix thalers for his detention of 6 or 8 hours, and very modestly informs the American minister at Berlin, that "he expects him to act in his case with energy and dispatch."

My correspondence with the department, already forwarded, will show the state of the question with Prussia and Hanover, in regard to their demand upon naturalized citizens for military services, and for fines or penalties for having avoided their military duties.

I consider the Hanoverian Government as having yielded, practically, the right to exact military service of persons who have become citizens of The United States, and who may be found temporarily within the King's dominions. I hope the Prussian Government will do the same thing.

*Hon. D. Webster.*

D. D. BARNARD.

*No. 12.—Mr. Barnard to Mr. Webster.*

(Extract.)

*Berlin, August 10, 1852.*

I HAVE the honour to forward to you herewith a copy of a letter addressed by me to Dr. Gutowski, in reply to one from him urging action upon his petition to the Prussian Government.

*Hon. D. Webster.*

D. D. BARNARD.

*(Inclosure.)—Mr. Barnard to Dr. Gutowski.*

SIR,

*Berlin, August 3, 1852.*

YOUR note of the 27th July has been received. A special application was made by me in your behalf to Baron Manteuffel on the 1st July, and on the 14th July your petition to the Minister of the Interior, and the certificate of guarantee which accompanied it, were sent in. No answer has yet been received. The case is in the hands of the Prussian Government, which, in such matters, always moves with deliberation.

It is proper I should inform you, that having voluntarily returned to the country of your birth, where you have purchased a farm and taken up your residence, the Prussian Government has a right to regard you as its subject, and so treat you in all respects. And you have now, by your petition, asked to be received again as a Prussian citizen. Under these circumstances, the Government of



It will be seen that Mr. Kracke, according to the simple and ingenuous account which he gives of himself, was born in Prussia in 1824; that in the 14th year of his age he went to reside, and to learn his trade, in Hanover; that in his 17th year he went to Holland, where he resided till his 20th year; that at this time his parents emigrated to The United States; that he followed them from Holland to that country, where he has become a citizen, and the owner of lands and other property; that his health having become impaired, he has, by the advice of his physician, made a voyage to Europe; that on arriving at Recke, in the province of Westphalia, on a visit to the home of his youth, he was immediately arrested, and forced into the ranks of the Prussian army as a soldier, for a service of 3 years, where he now remains.

If the relation which Mr. Kracke gives of himself shall be found to be correct, I hope His Majesty's Government will not hesitate to grant him a prompt discharge from the army, and liberty to return to his adopted country. I beg leave to refer your Excellency to the general observations touching cases of this description, which I had the honour to submit to your consideration in my letter of the 8th of July last. I had indulged in the hope that measures might be adopted which would prevent the actual occurrence of cases like this of Mr. Kracke.

I have reliable information that Mr. Kracke is in the utmost distress at the situation in which he finds himself. He is utterly unconscious of any intentional offence against the laws or Government of his native country, on account of the manner of his emigrating from it. For 14 years, from his early boyhood, he has not resided in Prussia, and in the meantime, he has made a home for himself in another and distant country, where he has assumed the rights and duties of citizenship, where his property is situated, and where all his interests in life are centred. Returning to visit the place of his birth, having become, as he believed, in every legal and just sense, a foreigner, he finds himself seized upon as a soldier of His Majesty the King, and he sees nothing before him but the certain sacrifice of his property, and the blasting of all his prospects in life. I am sure that no officer in His Majesty's service can exercise military authority over this unhappy man without painfully feeling the appeal which the laws of common humanity must perpetually make in his behalf.

In the application which I now present for the discharge of Mr. Kracke, I wish to avoid all reference to the abstract question of the rights of sovereignty which may be supposed to be involved in the case. I wish it to be understood, also, that I am aware of the importance, in a military point of view, which the Government of His Majesty may attach to the laws of Prussia which regulate and



unless furnished with a permit of emigration. Finally, if the Government of the King undertakes to execute the law against a Prussian subject, upon Prussian territory, that of The United States will have too high a sense of its own dignity to offer any opposition.

A recent statistical publication, entitled "Hubner's Year Book for Agriculture and Statistics," estimates the German emigration of 1851 at 113,000, declaring that these are not the idle, vicious, and poor, but the industrious, the intelligent, the skilful, and the moderately thriving; and that, on an average, each individual carries from the country 200 thalers. If this be true (and an emigrant can hardly leave this continent without some cash for his passage, &c.), then 22,000,000 of thalers a-year, and more than 226,000,000 in 10 years, are drained from Germany by the ever-increasing emigration.

*Hon. D. Webster.*

THEO. S. FAY:

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*(Inclosure)—Baron Manteuffel to Mr. Fay.*

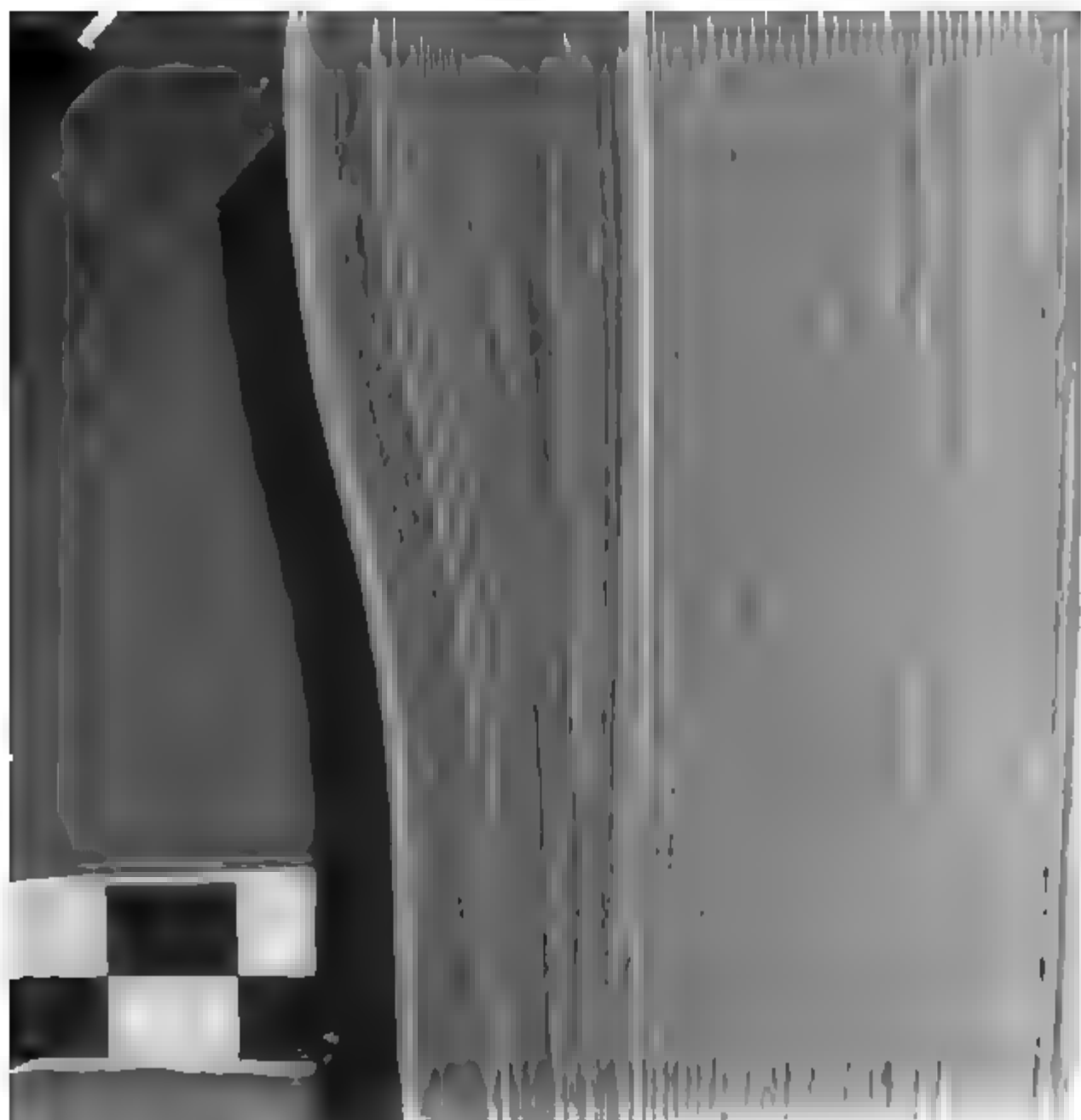
MONSIEUR, (Translation.) *Berlin, October 22, 1852.*

THE letter which Mr. Barnard did me the honour to address to me the 8th of July last, on the subject of one Meyer, a native subject of Prussia, born at Paderborn, who had emigrated to America, has given occasion for a correspondence with the Minister of the Interior, who has just communicated to me the report which he had called for on this matter from the proper provincial authority.

Here is the result: The person in question, born in 1827, is a son of the innkeeper Meyer, whose widow still lives at Paderborn. In 1845, when he had scarcely attained the age of 18, he went to America, in the hope of finding opportunity to make a better living than in his own country, where even his mother with difficulty supported herself. Young Meyer did not at that time ask for a permit of emigration, he desired to reserve to himself the privilege of return to Prussia, in case he should not succeed in making a condition for himself in The United States. When he had attained the required age, he was summoned to return to Prussia to satisfy his military obligations, and having neglected the citation, a sentence passed 7th July last year, condemned him to a fine of 50 crowns.

In this state of things the Government cannot authorize Meyer to make a temporary sojourn at Paderborn to regulate his family affairs; it must insist, on the contrary, that this young man, if he place his foot on Prussian soil, be incorporated into the army.

I have already had the honour, Sir, to cause you to observe above, that before quitting Prussia, Meyer had not asked to dissolve the ties which bound him to his native country, as he might have





he had placed himself did not admit of my doing more. The answer of the Government shows that great pains have been taken to look into his character and pretensions, and the reasons are fully and plainly stated for the peremptory decision to which the Minister of the Interior has come.

\* \* \* In my late temporary absence at Paris, Baron Manteuffel sent in his reply to my letter to him, of the 8th of July last, in the matter of B. Meyer, a copy of which was immediately transmitted to the Department of State by Mr. Fay. In my letter to the Department of 13th July, transmitting a copy of my letter of the 8th, I called the attention of the Secretary to the subject. Having received no instructions, I have supposed it was intended to leave the matter in my hands.

The case of Meyer was one where the party asked permission to visit Prussia without being subjected to a fine and to military service for having emigrated without permission. The answer refuses this permission.

With my letter of 12th October, I transmitted a copy of a letter to Baron Manteuffel, in reference to the case of J. J. Kracke, claiming to be an American naturalized citizen, and then actually in forced service in the Prussian army. This case is, then, one in which the claim of the Prussian Government is actually enforced and in process of execution. It remains to be seen if this case will be met in the same spirit as the other. I have a clear opinion about this doctrine of perpetual allegiance which lies at the foundation of the law and the action of Prussia in these cases, and at a proper time I may think it my duty, unless otherwise instructed, to express it in a grave and well-considered argument. \* \* \*

*m. E. Everett.*

D. D. BARNARD.

*(Inclosure 1.)—Baron Manteuffel to Mr. Barnard.*

*(Translation.)*

*Berlin, November 30, 1852.*

THE two letters which you have been pleased to address to me of the 1st and 14th July last, relative to Mr. Alexander Gutowski, a doctor of medicine, having given rise to an exact investigation by competent authorities, I have the honour to inform you that the Minister of the Interior has not found himself able to consent that a person in question may prolong his sojourn in the province of Prussia inasmuch as the information which has been gathered in regard to him is not favourable to him, and it has been proved that the declarations Mr. Gutowski has often deviated from the

and, at the outset, uncertain that Mr. Gutowski was really a native of Prussia. The only proof he has been able to produce in



the sum of 8,000 crowns, and one cannot tell what should induce him, a physician by profession, to buy such a piece of real estate.

The frequent associations Mr. Gutowski has had with Polish emigrants more or less suspected, and the ill report drawn on himself by assertions in part false, in part ill established, have induced the competent provincial authorities to send him away without delay from the province of Posen, and the Minister of the Interior regrets that he does not find himself in a position to revoke this order.

Receive, &c.

*D. D. Barnard, Esq.*

MANTEUFFEL.

*(Inclosure 2.)—Certificate of birth of Arthur Alexander Rudolph von Gutowski.*

I, AT the end Undersigned, certify that the baptismal certificate of Arthur Alexander Rudolph Von Gutowski cannot be found here in the city of Witkowo, because on the 2nd September, 1823, the church and parish records of baptism became a prey to the flames.

According to the statement of his godfather, Repemuceno Von Mozezensko, about 61 years old, from Przysicka, in the circle of Wongrowiecer, and of the landlord and also cook Wajeiech Zkierski, at Karscwo, over 60 years old, the said Alexander Rudolph Von Gutowski was born in the village of Malachowo, circle of Gnesener, of the lawfully married couple Katerina, born Von Koszutska and Valentin Von Gutowski, Catholics, on the 19th January, 1816, and on the 7th February of the same year, baptized in the parish church of Witkowo. His godfather and uncle, in the paternal line, Lucas Von Gutowski, died in the year 1847.

This certificate I, with my own hand, Undersigned and affixed the church seal, Witkowo, the 20th November, 1851.

(L.S.) N. LEGOWSKI.

*No. 17.—Mr. Barnard to Mr. Everett.*

SIR,

*Berlin, December 14, 1852.*

I HAVE the honour to inclose you herewith a copy of a letter to me from Baron Manteuffel, in reply to my letter to him of the 3rd of August last, in regard to the complaint of Christian George Born. It will be seen that Mr. Von Hassenkrug, the Commissary of Police at Minden, has on this complaint been removed from his post.

I have, &c.

*Hon. E. Everett.*

D. D. BARNARD.

*(Inclosure.)—Baron Manteuffel to Mr. Barnard.*

*(Translation.)*

*Berlin, December 12, 1852.*

THE reclamation of the merchant, Christian George Born, citizen of The United States, which was the subject of your note of the

8th August last, has given occasion for a correspondence with the Secretary of the Interior, who has made it his duty to submit the matter to an exact scrutiny.

It has been shown in the first instance, that if Mr. J. H. Hassenkrug, commissary of police at Minden, believed it to be his duty to search the baggage of Mr. Born, the measure was induced by the consideration that the traveller, contrary to the existing regulations, had neglected to present his passport for visé to the authorities of the towns in which he had sojourned during four weeks of his stay in Prussia. Motives for special scrutiny have not been particularized against Mr. Born. If this tends to reflect on Mr. Hassenkrug's conduct in respect to him, it is a reproach which this employé throws on his superiors; but as it is a fact that on former occasions Hassenkrug has been deficient in those attentions which are due to travellers, the Secretary of the Interior has decided to remove him from the post he occupied at Minden.

On giving you these explanations, I have, &c.

*D. D. Barnard, Esq.*

MAN

*No 18 — Mr. Everett to Mr. Barnard.*

(Extract.)

*Washington, January 1862.*

Your dispatches, with those of Mr. Fay, up to the 10th inst. have been duly received. The press of business upon me since I entered it has been such as to prevent an earlier reply to your communications.

The question raised in the cases of Meyer and Krick, and in similar ones, has received the particular attention of the President. They are certainly cases of suffering and hardship, to which individuals, from which this Government, in consideration of the quality as naturalized citizens, would gladly procure relief. Within the jurisdiction of The United States, naturalized citizens possess the same rights, in the full enjoyment of which the Government will protect them. It will also extend the same protection to foreign countries, and in the pursuit of their lawful trade the same protection which it would extend to native citizens in similar circumstances. There are, however, some points in which the positions of the naturalized and native citizens are different, and in these points the President thinks the best course is to be sought.

The doctrine of inalienable allegiance is no doubt attended with great practical difficulties. It has been affirmed by the Supreme Court of The United States, and by more than one

courts; but the naturalization laws of The United States certainly assume that a person can, by his own acts, divest himself of the allegiance under which he was born, and contract a new allegiance to a foreign power. But, until this new allegiance is contracted, he must be considered as bound by his allegiance to the Government under which he was born, and subject to its laws; and this undoubted principle seems to have its direct application in the present cases.

The Prussian Government requires of all its subjects a certain amount of military service. However onerous this requirement may be, it is purely a matter of domestic policy, in which no foreign Government has a right to interfere. It appears that there is no exemption from the obligation to render this service in favour of persons wishing to leave the country, unless they apply for and receive from the proper authorities what is termed "a certificate of emigration." This "emigration certificate" seems, like an ordinary passport, to be granted as a matter of course on application. When the vast extent of the Prussian military establishment is considered, and its importance in the monarchy, such a regulation, in reference to persons wishing to emigrate, who, as you are aware, now amount to many thousands annually, cannot be regarded as otherwise than liberal. But even if a different system prevailed, and if the previous rendition of a certain amount of military duty were made the condition *sine qua non* of granting the "emigration certificate," however oppressive the rule might be, a foreign Government could have no right to interfere with its execution.

If, then, a Prussian subject, born and living under this state of law, chooses to emigrate to a foreign country without obtaining the "certificate" which alone can discharge him from the obligation of military service, he takes that step at his own risk. He elects to go abroad under the burden of a duty which he owes to his Government. His departure is of the nature of an escape from her laws, and if at any subsequent period he is indiscreet enough to return to his native country, he cannot complain if those laws are executed to his disadvantage. His case resembles that of a soldier or sailor enlisted by conscription, or other compulsory process, in the army or navy. If he should desert the service of his country, and thereby render himself amenable to military law, no one would expect that he could return to his native land and bid defiance to its laws, because in the meantime he might have become a naturalized citizen of a foreign State.

It may be thought that this doctrine, would expose our naturalized fellow-citizens to the danger of being reclaimed and given up as fugitives from justice. This, however, is by no means the case. It is unnecessary to say that there is no extradition of fugitives except for the offences specified in the Conventions under which it

takes place. Escape from the obligation to render military service is not one of these offences, and certainly never would be for in any Extradition Convention concluded by The United States. It may be added that the Convention for Extradition between The United States and Prussia on her own behalf, and of the other German States, which now awaits the action of the Senate, makes an exception of the case of citizens of the United States on whose Government the requisition is made, who are delivered up even for the offences named; and this (though the case has not arisen) would be undoubtedly apply to naturalized as well as native citizens. For the President, and without entering into any discussion of the question of perpetual allegiance, the President is of opinion, that if a citizen of Prussia, lying under a legal obligation in that country to perform a certain amount of military duty, leaves his native land without performing that duty or obtaining the prescribed "certificate of emigration," comes to The United States and is naturalized, afterwards for any purposes whatever goes back to Prussia, he is not competent for The United States to protect him from the operation of the Prussian law. The case may be one of great sympathy, especially if the omission to procure the certificate arose from inadvertence or ignorance; but this fact, though a just ground of sympathy, does not alter the case as one of international law.

The view of the subject here presented is the same as was taken by my predecessor in reference to a subject of Prussia who, after having been naturalized in The United States, inquired of his return to France he would be protected from the operation of the French law by an American passport. The answer of Mr. Webster to the inquiry is subjoined.

Although there is some diversity of circumstances which have from time to time been presented for your consideration, it is believed that the principles of the present letter will apply to them all.

*D. D. Barnard, Esq.*

EDWARD

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*No. 19. — Mr. Barnard to Mr. Everett.*

(Extract.)

*Berlin, February*

I HAVE the honour to acknowledge the receipt of your letter of the 10th inst. which refers to and determines the question raised in your letter of the 10th inst. of Meyer and Kracke, and some others, in regard to the obligation of The United States to protect a naturalized citizen of Prussia, who, lying under a legal obligation in that country to perform a certain amount of military duty, has come to The United States without a permit of emigration, and

duty unperformed, and who, going back to his native land, is there subjected to the operation of the Prussian law.

The opinion and decision of the President, which is against the competency of The United States to protect a citizen thus situated, will, of course, govern my action in all cases of this description referred to. The department will not doubt that it must be a sensible relief to me to have this question definitively settled by its authority.

*Hon. E. Everett.*

D. D. BARNARD.

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*No. 20.—Mr. Barnard to Mr. Everett.*

SIR,

*Berlin, February 15, 1853.*

I HAVE the honour to inclose to you herewith a copy of a letter addressed by me to the Prussian Minister of Foreign Affairs in regard to the case of Kracke, and on the general subject of the unhappy condition of our naturalized citizens, natives of Prussia, who, with small blame, or no blame at all, have emigrated without permission, and, on their return here, are seized for Prussian soldiers.

I thought it due to the Prussian Government, after the letters which I had addressed to it in several cases—those of Hormann and Meyer, and this of Kracke—that I should state to it frankly and explicitly the doctrine held by the Government of The United States on the general subject, as communicated to me in your despatch of the 14th of January, and I thought it due at the same time to The United States and to the class of citizens concerned that Prussia should understand that, while her legal rights in the premises were conceded, there was a question of humanity involved, which we do not, and should not, lose sight of; that we must not be understood as wholly abandoning the sufferers, or as taking no further interest in them; and that in proper cases appealing to our just sympathies as a government and people, we must be allowed to make our voice heard in a respectful manner in their behalf. The case of Kracke being still undecided and long delayed, afforded me a proper occasion for writing this letter to the Minister.

Very erroneous opinions are entertained in the United States on the general subject discussed and settled in your despatch to me, opinions which expose many of our people to involve themselves in serious difficulty, and give the Government much inconvenience. Would it not be well that the Government should frankly make the country acquainted with its views on the subject? The publication of your despatch and a portion of the recent correspondence of this legation, relating to the same subject, (for example, the letter now sent you and that directed to Mr. King for the Government of Bremen, in the case of Conrad Schmidt, if approved by the department,) would show what attitude had been taken by the Govern-

ment, and enable our people to govern themselves accordingly respectfully make the suggestion. I have, &c.

Hon. E. Everett.

D. D. BARON.

(Inclosure.)—*Mr. Barnard to Baron Manteuffel.*

M. LE BARON,

Berlin, February 1

IN my letter to your Excellency of the 9th of October asking for the discharge of John Joseph Kracke from the Prussian army, I took occasion to remark that in making that request I wished to avoid all reference to the abstract question of the right of sovereignty which might be supposed to be involved in it. I said also that I wished it to be understood that I was aware of the importance, in a military point of view, which the Government of His Majesty might attach to the laws of Prussia which regulate the emigration of His Majesty's subjects. But I abstained at that time, as I had done on previous occasions, from expressing explicitly on the question of the right of Prussia to bring into operation of her military laws her native subjects, who, having emigrated without permits of emigration, leaving unperformed military service to which they were legally bound, and having become naturalized in The United States as citizens of that country, should return to their native land, and so fall under the jurisdiction of their original sovereign. I did not dispute the right of Prussia in these cases, though I did not in terms admit it. On a question of so much delicacy and importance I wished to speak only in the authority and advice of my Government. Thus I am now to do, and it is in accordance with that spirit of perfect frankness which it is the policy and practice of my Government to observe in all its relations with foreign Powers, that I make to your Excellency the present communication.

The Government of The United States considers that the laws of Prussia, which require a certain amount of military service of its subjects, and which prescribes the conditions in reference to military service on which emigration is permitted, are a part of its domestic policy in which no foreign Government has a right to interfere. It considers also that, if a Prussian subject, being living under this state of law, emigrates to a foreign country without a compliance with those conditions which alone can discharge him from the obligation of military service, he takes that step at his own personal risk. Going abroad under the burden of a duty due to his native sovereign, his unauthorized emigration is in the nature of an escape from that duty, and from the laws which prescribe and enforce it, and he remains liable, in spite of any treaty he may enter into in the meantime of new allegiance to a foreign power, to have these laws executed against him when



returns within the territorial limits and jurisdiction of his native country. In the case, therefore, of a subject of Prussia, lying under a legal obligation to perform in that country a certain amount of military service, who leaves his native land, and, without performing that service, or obtaining a permit of emigration, as the law of that country prescribes, goes to The United States, and is there naturalized, and afterwards comes back to Prussia, the Government of The United States, leaving the question of perpetual or disputed allegiance wholly untouched, does not claim that it is competent for it to interpose to protect him from the operation of the Prussian law.

Having made this plain and explicit avowal and free concession, on the part of The United States, as to the legal right of Prussia in cases such as I have described, it is my duty, at the same time, to say that The United States can never fail to feel the deepest sympathy in behalf of the naturalized citizens of that country, who have, at the time of their emigration, from mere inadvertence or ignorance, or from the neglect or fault of others, failed to procure the proper permission for that purpose, and who, therefore, on returning to Prussia, wholly unconscious either of offence or of danger, are seized and placed in the ranks of the Prussian army. So much, at least, is due to them from the country of their adoption, and it can hardly be expected that the earnest expression of this sympathy in their behalf should be withheld from the Prussian Government, or that The United States should abstain from urging on its attention considerations for the relief of these unhappy persons, such as one friendly Power may properly address to another, in a matter of so much interest.

Your Excellency is aware that a vast tide of emigration is constantly setting from the Old World to the New. This tide is as natural and irresistible as the flow of the Gulf Stream. It cannot be prevented nor diverted, and every new facility given to land and ocean travel, and to the circulation of property, information, and ideas, adds volume and vastness to this perpetual movement. This tide tends mainly to The United States, and The United States accept without hesitation their full share of whatever there may be in it of good or of evil, of present effect, or of eventual influence on the destiny of nations or of mankind.

After a fitting and sufficient probation, foreigners who desire it be admitted in The United States to the full rights of citizenship, nor does the Government stop to inquire whether one or another of the hundreds of thousands who come annually to its shores may or may not have emigrated without permission of his original sovereign.

If the emigration is not prevented, we conclude it is permitted. What we know is, that in a vast many cases the emigrant comes

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regulations. But the  
there may be failures

assigned for the commencement of the tour of military service, in obedience to the summons issued for that purpose. I do not suppose, however, that the authorities expect that this summons shall reach the party on the other side of the Atlantic, or, if it does, that he will voluntarily relinquish property, family, business, and the distant country, where he has been, or is about to be, adopted, as a citizen, to become a soldier in the land of his birth, to which, in the meantime, he has renounced, or is about to renounce, so far at least as his will may go, all allegiance. When, therefore, on his return, for some temporary purpose, to his former home, unaware of danger, he is seized as a delinquent, his whole offence relates back to the omission to ask originally for leave to emigrate. That is the substance of the charge against him. If this permission had been obtained, which, in every one of the cases I have referred to, would have been had for the asking, the party would never have been summoned as a soldier; not having been obtained, the summons issues and the legal consequences follow.

And the whole of these consequences, the military service as well as the fine, so far at least as the individual is affected by them, are, as I have characterized them, in the nature of a punishment.

The Prussian Government itself looks upon the matter in this light. In the letter which your Excellency addressed to this Legation in regard to the case of B. Meyer, dated the 22nd October last, it was remarked that "in such cases it was less a question of seizing a person to incorporate him in the army, than to maintain the respect due to the law and to insure its execution." It must necessarily be so. I suppose the cases are comparatively rare of emigration without permission, and it must be still more rare that persons who have thus emigrated venture back within the limits of Prussia; hardly ever, perhaps, where the legal regulations on the subject have been intentionally violated. A single soldier thus added once in a year or two, or perhaps only once in 3 or 4 years, to the large army of Prussia, could hardly be accounted as of much importance in itself, and especially when that soldier is performing a forced service, with his home and his heart in another and a distant country. When such a service is exacted, with the avowed purpose of maintaining the respect due to the law, it is plain that the service is a punishment, which is inflicted on the individual mainly with a view to its moral effect, in order that others may be deterred from the like offence of leaving the country without permission. And I am free to confess that a certain moral effect of this sort would hardly fail to follow, though unhappily, in such cases as I have named, it must necessarily be attended with another and a very different moral effect, if not in his original country, certainly in that of his adoption, among his family, and

friends, and fellow-citizens, to whom the sad intelligence of sufferings is sure to become known. There, at least, the punishment will be regarded as one of great and unmerited severity, ever may be the political necessities to justify it in the case of Prussia.

His home is in another country; there he has his habitual family, his property, his business, and his friends; there are his affections and all his interests; and he has no sentimental loyalty in his heart to any sovereign or any government or out of his new country; nor is it possible for him to feel an obligation to serve any other country or any other sovereign and all that he possesses, and all that he holds dear, all that and almost all that he hopes for in life, are sacrificed, at least in time, in the forced service to which he is subjected. It is impossible that he and those who take an interest in him should not view his punishment as one of awful severity and terribly disproportionate—I speak of cases of involuntary omission to procure a passport or emigration—to any fault or blame which could be justly imputed to him.

Now what I have desired to say, and to show your Excellency in the observations I have made at such considerable length, the cases about which I have been speaking are such as call for the just and necessary sympathy of my Government, and of the Government of The United States, and that the expression of that sympathy on proper occasions, and in proper and courteous language, and in sentiments and wishes to which it must give rise, is due from the Government of The United States to His Majesty's Government. If the Prussian Government shall still be of opinion, after all has been here considered, that it is a point so vital to the monarchy that it requires laws which regulate the emigration of the subject (which, for a country like Prussia, are not regarded as harsh or severe in themselves) demand that their execution should be enforced by rigorous and inexorable exaction in cases of alleged delinquency, such as your letter refers to, in such an alternative, I have already informed your Excellency that The United States do not deny the legal right of Prussia in the premises, and that—strong as is the interest of both Government and people feel, and will always feel, in behalf of the sufferers, citizens of that country still, in spite of the recognition of authority which Prussia is entitled, and accidentally enabled to exercise over them—my Government disclaims any power or competency on its part to interfere to protect those unhappy persons from the operation of the Prussian laws. But for this very reason the necessity is all the stronger, and the propriety the more apparent and urgent, why the Government of The United States should urge on the attention of His Majesty's Government such con-

tions in behalf of these persons as may seem to it calculated to induce some relaxation of the rigorous policy now pursued towards them. And in doing this, considering the relation in which it stands to these persons, no apprehension is entertained that any just ground can be found for imputing to it a proceeding which "the sense of its own dignity"—I quote from your Excellency's letter already referred to of the 22nd of October—should have hindered it from adopting.

I am not without hope, notwithstanding the ill success which has attended my previous efforts on this subject, that His Majesty's Government may be led to consider whether it is not possible that the strict and rigorous enforcement of its laws in this regard may be dispensed with, or at least modified and relaxed in behalf of persons in the condition of those whose cases I have had occasion to bring to its notice, without impairing the proper and necessary authority of those laws, or the efficiency of the military system of the monarchy. If this should be so, I can only assure your Excellency that the result would be received by the Government and people of The United States with the highest satisfaction.

I beg leave to remind your Excellency, in concluding this letter, that it is now 4 months since the case of Kracke was brought by me to the notice of His Majesty's Government. He continues in the same lamentable state of mental distress, into which he was originally plunged by his arrest and forced service in the Prussian army, and, though he feels the silence of the Government in regard to him to be ominous, he does not yield the hope that, by His Majesty's clemency, or otherwise, he may be set free, and allowed to depart to The United States. Since I have seen the Prussian law of 1842, regulating the emigration of the King's subjects, I have thought it quite probable that the investigations of the Prussian authorities into Kracke's case would relieve His Majesty's Government from all embarrassment in regard to him, by showing that he had been continuously absent from Prussia for 10 years, and was therefore, by the terms of the Prussian law, no longer to be regarded as in any respect a Prussian subject. But if this fact be so, certainly no time should be lost in setting this man at liberty.

I seize, &c.

*Baron von Manteuffel.*

D. D. BARNARD.

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*No. 21.—Mr. Barnard to Mr. Marcy.*

(Extract.)

*Berlin, March 22, 1858.*

I INCLOSE, also, copies of two letters from the Prussian Minister Foreign Affairs, in reference to the case of John Joseph Kracke, the one of later date being in reply to my letter to the Minister, of the 15th February, 1858, on the general subject of the forced service

of German-American citizens in the Prussian army. With send also a copy of another letter, which I have addressed to Manteuffel, in regard to the case of Kracke, again urging him from the Prussian army.

I am not without hope of eventual success in this case.  
*Hon. W. L. Marcy.* *D. D. BAR*

(Inclosure 1.)—*Baron Manteuffel to Mr. Barnard.*  
 (Translation.) *Berlin, February 2*

THE letter which you were pleased to address to me, October, last year, on the affair of one named John Joseph, a Prussian subject, who caused himself to be naturalized United States before he had discharged his military obligations to his native country, has given place to a correspondence with the Ministers of War and Interior, as well as with the competent provincial authorities.

The circumstances under which the said Kracke left the territory have been maturely considered; they have, however, been found to be such, that the Government does not find itself obliged to exempt him from military service, to which he was bound after his re-entry into Prussia.

I will permit myself, Sir, to present to you the facts, such as are stated in the report of the Provincial Councillor, of the Tecklenburg.

The individual in question was born the 9th February, 1815, in Westphalia. It was his duty, then, to have placed himself under the banners in 1845; but that very year he passed secretly to The United States, after having worked during several years in Holland as a blacksmith. It was only two years after, in 1847, that his parents followed him there, without having for passport or permit of emigration, which, for that matter, could not have been granted, after the evasion of their son. Having answered the summons when, in 1845, he was cited by the proper military authority, was necessarily to be regarded as refractory. Nothing, then, more natural than that, upon his return to the province, in the autumn of 1852, he was arrested and incorporated in the army.

You will be convinced by this exposition, Sir, that the said Kracke has no right to demand the severance of the ties which bind him to his native country, before he fulfils the obligations which are imposed upon him as a Prussian subject. Moreover, there exists no motive of equity or humanity which can be invoked in his case. Kracke, having emigrated to America in the very year when he was about to be summoned to the standard, it is evident he could not do so in the sole intention to withdraw himself from the

service in Prussia. Without doubt, this person sets forth in the petition he has addressed to you, that he was risking the loss of his real estate in America, if he should be obliged to serve during 3 years in the army. But this assertion deserves no credence. It follows, from an interrogation to which the said Kracke was subjected at Wesel, on the 7th December last, that his sole property in America consisted in a house, slightly mortgaged, in Cincinnati; and that, on setting out for Germany, he had directed his brother to let such house. It seems, then, the real estate of Kracke could well be turned to account, until his return, by his brothers and sisters, almost all of them living in Cincinnati, who are under much obligation to him, and certainly would neglect nothing for the security of his property. In these circumstances, the royal Government believes it to be a duty to hesitate the more from releasing this individual from the military service, as it behoves it to give an example to hinder (especially at a moment when emigration to America is on the increase) young people from breaking arbitrarily, and without discharging duties imposed by their condition as Prussian subjects, the ties which bind them to their country.

Accept, &c.

*D. D. Barnard, Esq.*

MANTEUFFEL.

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(*Inclosure 2.*)—*Baron Manteuffel to Mr. Barnard.*

SIR,

(Translation.)

*Berlin, February 28, 1853.*

I HAVE seen with lively satisfaction, by your letter of the 15th of this month, that as regards right, the Government of The United States fully participates in the opinion announced in my note of 22nd October last, in accordance with which His Majesty's Government believes itself fully authorized, where a Prussian subject has caused himself to be naturalized in The United States before having satisfied his military obligations to Prussia, and without having obtained an emigration permit, to enrol him under her standard, if he returns to his former country. If then such a case should again present itself in which the Prussian Government would be obliged to exercise this right, there is no longer room for apprehension that its application would foment any misunderstanding.

I understand perfectly that, when a citizen of The United States who has not dissolved the ties which bind him to Prussia, is subjected at a later day to military service in his native country, the American Government will not be indifferent to the fact; that it is rather a reason for it to embrace the interests of its citizens, and to avail itself of the effect of its good offices to induce the Prussian Government to be indulgent in regard to him. On my part, I can give you assurance, Sir, that the King will never close his ear to such intervention; on the contrary, he will take care to submit to

scrupulous examination all that can be alleged in favour of a person so commended to him. As, however, the Government of The United States considers that it is not for its interest to make the admission of an emigrant as citizen dependent on the production of a document proving that he had dissolved the ties which were attached to his old country, it is much to be feared that the Government of His Majesty will still often find itself obliged to the necessity of executing its own laws, as well as the decrees of the tribunals against Prussian subjects who have been naturalized in The United States.

Rarely will the Prussian Government refuse the issue of an emigration permit to individuals who in their youth were taken from His Majesty's territory by their father, or for whom the fault would be with the parents, if their children were wanting to the law. The application for such a subsidization permit would only be essentially inadmissible in the case in which Prussian tribunals had already given judgment against an emigrant; and that was the position of Christian Meyer, referred to, who was the subject of my letter of the 27th of October last year.

The case is quite different as to individuals, who, when they emigrated to America, had already attained the age of 18 years, at which time their military duties commence. Generally speaking, it can never be admitted that such an one neglected to apply for an emigration permit because he was ignorant of the laws of his country.

Every Prussian subject is obliged to bear arms. This is his years' standing, is known to every one; and, moreover, notices are every year frequently published to summon men to their standards. Every one knows, if only through the parents or friends, that at 20 years of age it is his bounden duty to present himself to the military board called to decide whether he is fit or not to serve in the army. If, therefore, any Prussian subject did not know that he was held to render this service, he is clearly authorized to believe that he believes his conscience. It is to those persons who wittingly attempt to evade this duty that they certainly do not deserve that any interest should be taken in them; and it is with reason that the law decrees that such persons, if they prefer, should be enrolled in the army, because they shirk their duty themselves of a duty, common to all, to cast it upon their fellow-citizens. Of this number are the aforesaid B Meyer and Christian Meyer, to whom my two letters of 22nd October, last year, and 2nd of November, present, referred.

I am persuaded that the Government of The United States will make a careful examination of the conduct of these two persons.



cover that they have acted with the single purpose of evading their military duties in Prussia, and thus there is no room for complaint if the Prussian Government limits itself to subjecting them to the duty which they have, of purpose, neglected. It is not a punishment inflicted upon them, it is simply the fulfilment of an obligation resting upon them in the quality of subjects of Prussia. Men like Meyer and Kracke have no right to ask that this military service should be dispensed with and they be replaced by others to keep the Prussian army full. Moreover, the service is not hard, nor of long duration. In the space of 3 years it is finished; and, often, even new conscripts are discharged before this term is completed.

To be willing to treat persons who have emigrated without the permission of the Government with more tenderness than those who have stayed at home, would be, on one part, to encourage emigration, contrary to the public welfare, and, on the other hand, to weaken the force of laws and the respect which is due to them. Such a proceeding would be more out of place, because the law itself is so mild that it grants the right of emigration even to those subject still to service in the army, provided they are in condition to prove that, in their self-expatriation, they are not influenced by the sole intention to evade such service.

I like to believe, Sir, that these explanations will give to your Government the full and entire conviction that the Government of His Majesty, far from having used any rigour against the said Meyer and Kracke, has only done that which it ought to do to prevent its own subjects from accusing it of treating more favourably those who violate the law than those who obey.

At the close of your note of the 15th instant, you still quote section 23 of the Law of 21st December, 1842. I permit myself to request you will notice, Sir, that the term of 10 years fixed for the return to Prussia of a subject of His Majesty, only runs from the 1st January, 1843, and that if said paragraph authorizes the Government to consider an uninterrupted absence of more than 10 years as importing the loss of the quality of a Prussian subject, it does not, nevertheless, dispense the absentee from duties which he ought to discharge while he was a Prussian.

Accept, &c.

*D. D. Barnard, Esq.*

MANTEUFFEL.

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(*Inclosure 3.*)—*Mr. Barnard to Baron Manteuffel.*

M. LE BARON,

*Berlin, March 21, 1858.*

I HAVE received the two letters which your Excellency has done me the honour to address to me—the first, dated the 22nd of February, in reference to the case of John Joseph Kracke, and the other dated 28th of February, in reference to the same case, and

more generally in reply to my letter of the 15th of month.

I had indulged the hope that His Majesty's Government have found it not incompatible with its interests, under circumstances of the case, and while adhering to its claim of the premises, to accord to my request, and to the earnest my Government, the release of Kracke from the Prussia. In this I have been disappointed; but I do not yet mean of this man's release.

Kracke left Prussia when a boy of 14, and from that period of 14 years it appears he was never in Prussia. He was in his trade of a smith, in Hanover, and not in Prussia. He lived and worked at his trade in Holland; and finally he passed from Holland, and not from Prussia, to The United States. He became a naturalized citizen, acquired property, and fixed himself permanently and for life. That is his country and his home. Having ventured, after 14 years, unconscious of offence or to set his foot as a visitor on the soil of the country where he chanced to draw his first breath, he found himself suddenly and forced into the military service of that country for years. This has come upon him at the age of 28, to interrupt the plans and expectations of his life. It is at this age most critical and important to him of his whole existence that demand is made upon him for a service of 3 years in the foreign country; for Prussia, in regard to such a service, is foreign to him, to his affections, his interests, and his hopes. Turkey would be. His labour in The United States has all its reward. He has become the owner of a house and ground in one of the most populous and prosperous cities of that country; this property is not wholly paid for; it is under mortgage, and he has no means of redeeming his property from that mortgage but the earnings of his personal and continued labour. There is no way to pay that mortgage for him, and if he is kept here, he will almost necessarily be sacrificed.

Such is his unhappy condition. I am unable to agree with Your Excellency, that there is nothing in this case affording an appeal either of equity or humanity on which to appeal to the Government in this man's favour; and neither my Government nor the people of The United States, will be able to agree with Your Excellency.

On technical grounds, Kracke was still a Prussian subject when he emigrated to The United States. But he did not, in fact, emigrate from Prussia. He emigrated from Holland, and has then been absent from Prussia for about 7 years. It is not to make The United States his permanent residence and his

having just at his 21st year realized from his industry in Holland the means necessary to accomplish his voyage, it certainly can surprise nobody, whatever may have been his technical duty in the premises, that he did not first return to Prussia, either to ask for permission to emigrate, or voluntarily to undergo a military service of 3 years before emigrating. I think all this is matter proper for the consideration of His Majesty's Government.

I have already referred, in my letter of the 15th of February, to the estimate put by The United States on the liberality of Prussia—a great military power as she is, where every citizen is a soldier—in her legal regulations in regard to persons wishing to emigrate. I hope I may now be excused for saying that there seems to me to be rather a marked contrast between that liberality and the rigour employed towards those who, as in the several instances which I have had occasion to bring to your Excellency's notice, and especially in the instance of Kracke, may have failed to comply with these regulations. Although Kracke went to The United States in the "period between the end of his 17th and the end of his 25th year," your law only required, in order to his obtaining a free permit of emigration, that he should have obtained from the proper authority a certificate that his application did not proceed solely from a design to withdraw himself from the army. This rule is referred to and recognized in your Excellency's letter of the 28th of February. I cannot doubt but that this certificate might have been readily obtained. I think his residence out of Prussia explains why he did not apply for the legal permission to emigrate, and shows, at the same time, that if he had applied, it would have been apparent to every one that his desire to dissolve his political relations with Prussia, and to find a country and home for himself elsewhere, was no new idea got up at that time merely to escape from her military service. Surely, between the liberality of the law, which would have given him, 7 years ago, free permission to emigrate, and the rigorous exaction which demands from him now, at this distance of time, and under the peculiar circumstances of the case, a forced service of 3 years for having emigrated without that permission, there appears to be a contrast which must be acknowledged to be somewhat remarkable. At any rate, the exaction falls upon him with fearful severity.

Certainly, it is for the Prussian Government to judge of the reasons of state, in reference to emigration or otherwise, which may demand such a course of action. But I trust I may be excused for suggesting that really little hope can be entertained that the constantly-swelling tide of emigration will be checked by any such measure of repression as that which is now being enforced in the person of Kracke. The only effect will be, that those who

emigrated and those who shall emigrate without leave or warning from it to keep themselves beyond the reach of the laws and authorities of Prussia.

It seems from what is stated in your Excellency's letter of the 31st December, 1842, in regard to emigration, as to the construction put upon it in Prussia, does not bear a liberal or an interpretation as I had supposed. The law declares "the quality of a Prussian subject is lost by a residence of a year abroad," the rule being applied, of course, to those who leave themselves without leave.

By your Excellency's construction, this term of 10 years commences from the date of the law. But, at least, the equity and spirit of such a statute might be applied to a case like this without doing any violence to its letter or its intent. Certainly it would be competent to the Prussian Government, if it were so disposed, to declare that, under the peculiar circumstances of this case, and upon the equity of this law, it would consider Kracke no longer a Prussian subject, and accordingly to discharge him from the Prussian army. I shall indulge the hope that he may be released, and allowed to return to The United States.

Accept, &c.

*Baron von Manteuffel.*

D. D. BAI

*No 22.—Mr Barnard to Mr. Marcy.*

(Extract.)

*Berlin, April*

I HAVE the honour to transmit, herewith, a copy of Baron Manteuffel's reply to my letter of the 21st March, urging his consideration of reasons for the release of J. J. Kracke from the Prussian army. The refusal to release this man seems to me, though I think it is evident, at the same time, from the tenor of his answer, that some proper impression has been made on the Minister's mind in regard to the severe operation of the Prussian law. Of course, he does not yet see \* \* \* its inhumanity.

*Hon. W. L. Marcy.*

D. D. BAI

(Inclosure.)—*Baron Manteuffel to Mr. Barnard.*

SIR,

(Translation.)

*Berlin, March*

AFTER having already consulted with those of my colleagues who have concern in the position of the person called John Kracke, who is again the subject of your letter of the 21st March, I should hesitate to try new modes to obtain the release of this individual from military service in Prussia. Without doubt it can be nowise convenient for Mr. Kracke to be compelled

in the army at the age of 28 years, after having found a second country in The United States, and made the acquisition of real estate.

But this disagreeable business he should attribute only to his unreflecting and unlawful conduct from the time of his expatriation. At the age of 14, Kracke had obtained permission to sojourn temporarily abroad; but, in place of returning to Prussia at the age of 21 years completed, to enlist under the banners, as his condition of Prussian subject made it his duty to do, he chose this very time to pass secretly to The United States, and thus withdraw himself from his military obligations. After having thus openly violated the law, Kracke has no right to ask that he be released from the bonds which bind him to his native country, before he completes his service in the army. Furthermore, such request, if made in due season, would in like manner not have been acquiesced in, except in the case of his having been able to show that he was not emigrating for the purpose merely of getting rid of this service; and certainly it would have been difficult for him to make such proof in 1845—that is to say, at the very moment when the age he had attained obliged him to serve in the army.

The harshness which is used towards refractories, to incorporate them subsidiarily in the army if they return from The United States, has no tendency to check emigration, it ought only to serve to convince those who desire to emigrate that the Government does not mean to favour secret and illegal emigrations; but, on the contrary, holds out an aiding hand to those who, not having satisfied the duties belonging to them as Prussian subjects before emigrating, may fully comply with them on their return.

As to the bearing of the section 23 of the law of December 31, 1842, its object was to put the Government in condition to withdraw the character of Prussian subjects from those who, without permission of the proper provincial authorities, have resided more than 10 consecutive years abroad, but it does not authorize the admission that because a Prussian has managed to evade his duties as a subject of the King, by a sojourn of 10 years abroad, the Government is bound to consider him as exempt from those duties if at any time he places his foot within the territory of Prussia. There exists no motive, even in the purview of section 23 of the law before cited, to set free the said Kracke from the military service of Prussia.

Sincerely regretting not to be able on this occasion to give you a proof of my eager desire to serve you, I have, &c.

*D. D. Barnard, Esq.*

MANTEUFFEL.

No. 23.—*Baron Gerolt to Mr. Marcy.*

*Washington, July 1*

With reference to our verbal conversation some days relation to the liabilities to which emigrants from Prussia and German States, who have become citizens of The United States, are subjected when they voluntarily return to those States, after leaving their native country without the necessary permission of the Government, and without fulfilling their military duties prescribed by law, after having attained a certain age, I beg leave to inclose an extract from the laws of Prussia and from the Constitution of Prussia on this subject, by which you will perceive that Prussia does not pretend to enforce any allegiance upon the said emigrants, but that, if they return to Prussia, they are made responsible for having violated our laws in the cases above mentioned, and are considered as criminals forfeited to the punishment of the law, from which no citizenship of any nation can liberate them.

I have, &c.

*Hon. W. L. Marcy.*

FR. VON GEROLT

(*Inclosure.*)—*Extract from the Laws of Prussia, of Decree of 1842, concerning the loss of the quality of a Prussian subject*

§ 15. THE quality of a Prussian subject is lost :

1. By discharge upon the subject's request.
2. By sentence of the competent authority
3. By living 10 years in a foreign country.
4. By the marriage of a female Prussian subject with a foreigner.

§ 16. The discharge has to be asked from the police authority of the province in which the subject's domicile is situated, and is effected by a document made out by the same authority.

§ 17. The discharge cannot be granted :

1. To male subjects who are between 17 and 25 years of age, until they have got a certificate of the military commissary of their district, proving that their application for discharge is not made merely to avoid the fulfilling of their duty in the standing army.

2. To actual soldiers, belonging either to the standing army, to the reserve; to officers of the militia and to public functionaries, before their being discharged from service

3. To subjects having formerly served as officers in the standing army or the militia, or having been appointed military engineers with the rank of officers, or civil functionaries, before they have obtained the consent of their former chief.

4. To the persons belonging to the militia, not being discharged, after their having been convoked for actual service.

§ 18. To subjects wishing to emigrate into a State of the Confederation.

Confederacy the discharge may be refused if they cannot prove that the said State is willing to receive them.—(See Act of the German Confederation, Article XVIII, No. 2, lit. A.)

§ 19. For other reasons than those specified in §§ 17 and 18, the discharge cannot be refused in time of peace. For the time of war, special regulations will be made.

§ 20. The document of discharge effects, at the moment of its delivery, the loss of the quality as Prussian subject.

§ 21. If there is no special exception, the discharge comprehends also the wife and the minor children that are still under their father's authority.

§ 22. Subjects living in a foreign country may lose their quality as Prussians by a declaration of the police authority of Prussia, if they do not obey, within the time fixed to them, the express summons for returning to their country.

§ 23. Subjects who either—

1. Leave our States without permission, and do not return within 10 years, or

2. Leave our States with permission, but do not return within 10 years after the expiration of the term granted by the said permission, lose their quality as Prussian subjects.

§ 24. Entering into public service in a foreign State.

The entering of a subject into public service in a foreign State is allowed only after his discharge (see § 20) has been granted to him. Anybody who has obtained it, is permitted to do so without restriction.

§ 25. A subject which—

1. Either takes public service in a foreign State, with our immediate permission,

2. Or is appointed in our States by a foreign Power, in an office established with our permission, as, for instance, that of Consul, commercial agent, &c., remaining in his quality as a Prussian.

§ 26. General disposition.

Subjects who emigrate without having obtained their discharge, or violate, by their entering into public service in a foreign State, the disposition of § 24, are to be punished according to the laws existing in that respect.

Given under our hand and seal, Berlin, this 31st of December, 1842.

(L.S.) FREDERICK WILLIAM.

*Extract from the Constitution of Prussia of 1850.*

TIT. I. Rights of the Prussians.

ART. I. The right to emigrate cannot be restricted by the State, except with respect to the duty of military service.

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*No. 24.—Mr. Vroom to Mr. Marcy.*

(Extract.)

*Berlin, October 1*

ACCOMPANYING this is a copy of a letter from Mr. B. United States Consul at Hamburg, addressed to the Secret Legation, on the subject of the holding of American citizens in military service in Germany, and some other matters, and his thereto.

I have received two letters from Mr. Bates, United States Consul at Aix-la-Chapelle; one respecting the case of B. Meyer  
*Hon. W. L. Marcy.* P. D. V

*(Inclosure 1.)—Mr. Vroom to Mr. Bates.*

(Extract.)

*Berlin, October 1*

I HAVE received your communication of the 6th instant in relation to the case of Mr. Meyer; and, on referring to the records of the Legation, I find that my predecessor, Mr. Barnard, closed the case as settled in point of principle, and that he then appealed to the Government in behalf of Mr. Meyer as a matter of favour, which appeal has not been responded to. In these things, I do not consider it advisable to present the case again without some change of circumstances to justify it. No new incidents have been received at this Legation other than what may be considered as contained in Mr. Marcy's letter to Mr. Hulseman, which has not yet been officially communicated; and if it had, I deem it unwise to make that the ground for opening a case which has already been passed on and settled, unless specially invited to do so.

*Isaac C. Bates, Esq.*P. D. V*(Inclosure 2.)—Mr. Bates to Mr. Vroom.*

(Extract.)

*Aix-la-Chapelle, October 1*

I WAS desirous of saying a word to you, more particularly in regard to a matter which I promised to bring before you, and which is one of the many cases which have arisen, and one of the most important I think are likely to arise, regarding individuals who emigrate from America to Prussia without first receiving permission from the Prussian Government to do so, and return again voluntarily to their native country after having been duly naturalized in ours.

The case is that of Mr. Meyer, which is fully stated in my communication to the Legation under date of July 2, 1852, to which I respectfully beg leave to refer you.

Mr. Barnard replied to my letter on the 5th, promising to take up the matter in bringing it before the Government, which he did.

Not hearing from him meanwhile on the subject, I addressed him again on the 13th August, 1852, for the purpose of bringing the matter before the Government.



to mind. In reply, on the 18th August, he stated that the doctrine of the absolute and independent right of expatriation to which I had referred was not admitted by the European Governments, but that this was not the only question of international law in these cases; that Mr. Wheaton, in his time, refused to interpose in behalf of a naturalized citizen, formerly a Prussian subject, who had temporarily returned to Prussia and was seized for a soldier, on the ground that his native domicile and national character reverted, and that he was bound to obey the laws in all respects, exactly as if he had never emigrated, and that the Department at Washington seems to have acquiesced in this view; but that he (Mr. Barnard) could not agree with this doctrine in the broad sense in which it was laid down; on the contrary, he thought that if an emigrant returned merely as a traveller, or temporarily on some matter of business, he should be deemed an American citizen, and treated as such, and not as a Prussian subject. He added, that he had made an earnest and strong representation to induce the Prussian Government to give up in Meyer's case, and altogether, their demand as well for the fine as for the military service, and hoped for a favourable result, at least for the military service.

Nothing more passed on the subject till October 26, when Mr. Fay advised me (Mr. Barnard being absent) that the Prussian Government had just returned a negative answer to his application for Mr. Meyer to visit Paderborn temporarily without being incorporated in the Prussian army; and, in reply to my letter of 28th October, in which I asked whether the affair must be considered as definitely settled in this case and all others like it, he stated that he supposed it must, but that he could not, of course, tell what instructions would be given by the State Department in the matter, nor what would be the result of any which may be given. So the matter now stands.

Mr. Meyer was here a short time since, and desirous of going immediately to Paderborn. I read to him the correspondence which I had on the subject—the substance of all which, however, I had previously communicated him by letter—and advised him not to go. He spoke of your coming, and anticipated that you would be able to do something more effectual; and I promised to make you acquainted with his case as soon as you arrived, and to beg you to inform me if you had any instructions from Washington with regard to negotiations on this subject, and if, in your opinion, there was any hope that the result would be favourable to persons in his position. He repeated his assertion, that it was absolutely necessary for him to go to Paderborn, and that he must place himself at the mercy of the King if he could do nothing else.

It is already a question of no little importance, as recent events

have shown, and is daily becoming more so, whether the Govt of The United States is to protect naturalized citizens w<sup>h</sup> temporarily and voluntarily to their native country, to extent that it would native-born citizens, and also w<sup>h</sup> and what protection is to be afforded to individuals who have taken the preliminary steps and declared their intention of becoming American citizens. In my experience here, I have endeavored in several cases, to protect both these classes, but have been unable not to commit myself with regard to the latter; for I see that they can have any claim whatever upon us, except a friendly one.

English legislation excludes naturalized aliens from any claim to the protection of their adopted country, when they are beyond its frontiers.

Our own does not; and it is highly desirable that the intention of our Government in this respect be clearly made known. I will much oblige me by instructing me as to the course to be pursued in future.

*P. D. Vroom, Esq.*

*J. C.*

*(Inclosure 3.)—Mr. Bromberg to Mr. Wise.*

*(Extract.)*

*Berlin, October 1.*

I AM afraid of troubling you too much, but I cannot help inquiring if any recent instructions have been received from the Legation, concerning the right of German rulers to force their former subjects, after having become naturalized in The United States, on revisiting their native country, to bear arms. The Prussian Administration has conceded this point, and though I have been unable to resist any claim of this kind (which I believe to be entirely and totally at variance with our naturalization laws,) yet, if a decision in favour of this claim is known, I had only last week to report a case (reported to the Hon. D. D. Barnard) of this kind, and the utmost exertions, and to assure the syndicus that the Prussian Administration would not uphold the former decision, and was enabled to get the person claimed unmolested to England. I have now on this applied to the State Department for information, and having received answer, I would be obliged to you for any further information on the subject.

*O. J. Wise, Esq.*

SAMUEL BROMBERG

*(Inclosure 4.)—Mr. Wise to Mr. Bromberg.*

*(Extract.)*

*Berlin, October 1.*

No instructions have yet reached this office with regard to the construction of our naturalization laws, nor with regard to the condition and rights of those unfortunate emigrants w<sup>h</sup> the Prussian Government claims the right to compel to military service.

As soon as such instructions are received, I will gladly communicate them to you.

*S. Bromberg, Esq.*

O. JENNINGS WISE.

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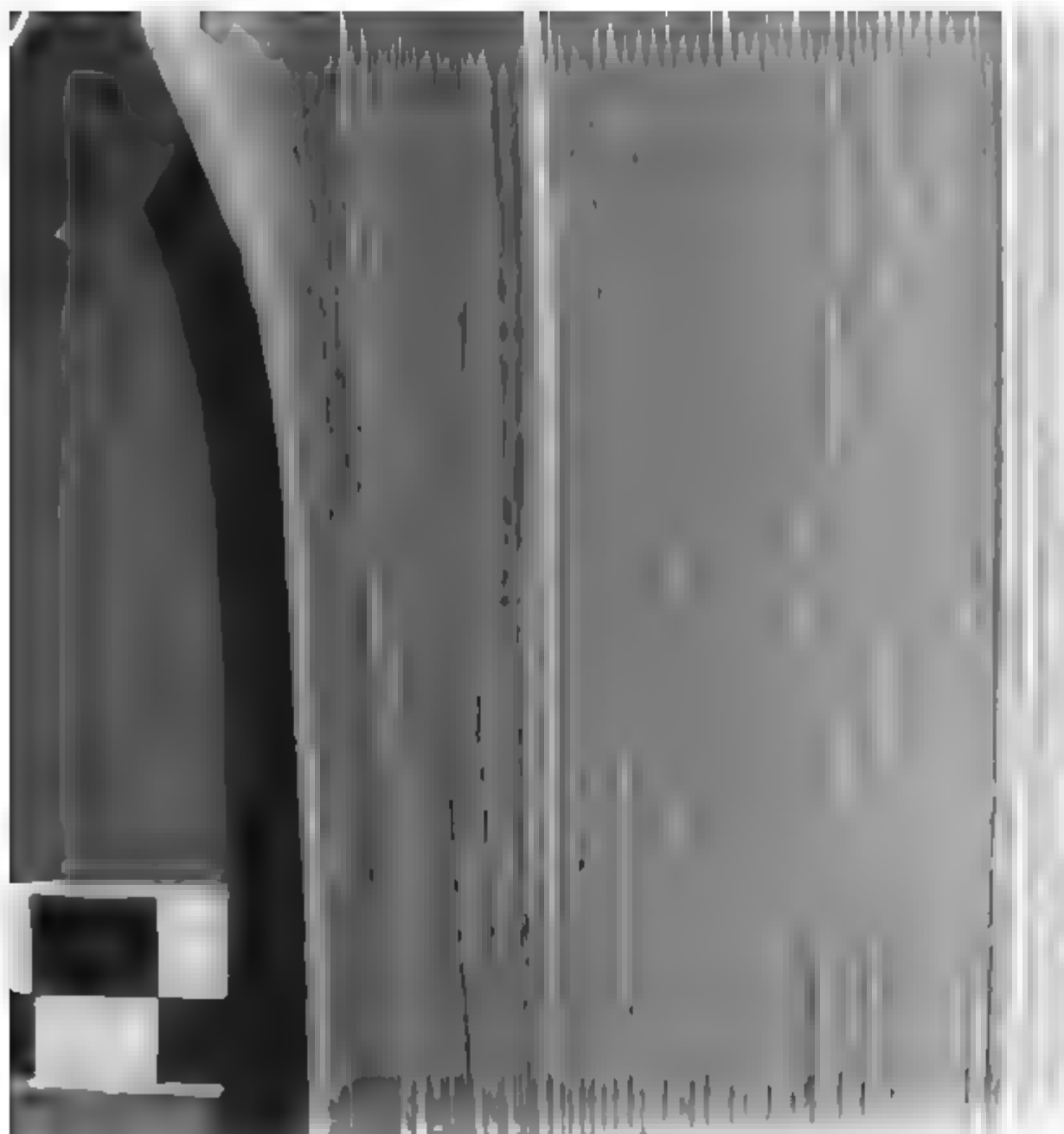
*No. 25.—Mr. Vroom to Mr. Marcy.*

(Extract.)

*Berlin, December 13, 1853.*

ON the 2nd instant, I received a letter from William Parehen, a naturalized citizen of The United States, who left this country in 1848, when about 18 years of age, and without a permit of emigration. He states that on his return, a short time since, to transact some family business, he was taken up, and was to be placed in the army within 14 days, 4 of which had already expired. He asked the protection of the Legation, and, if that could not be given, he desired to make a personal application to the King. This case appeared to be within the instructions received by the Legation from the State Department in February last, and which had been communicated to the Government here, and since acted on by the Legation. I did not, therefore, feel at liberty to give to Mr. Parehen any positive assurance of relief. I told him that, in similar cases, the Prussian Government had refused to listen to such applications, but that I would aid him as far as was in my power; that if he desired, under the circumstances, to make an application to the King, as he had intimated, I did not wish to deprive him of the opportunity by any act of mine, without his knowledge, but that in such application he must act on his own responsibility; that if I interfered on his behalf, it would be on the ground of his rights as an American citizen, and I should expect him to await and abide the result. I have not heard from him since.

The department will perceive that complaints from our naturalized citizens of maltreatment in this kingdom continue to be frequent. I hope to be able to dispose of them satisfactorily without giving trouble. Cases of embarrassment, however, will sometimes occur, in which it will be necessary to ask for direction. The case of Parehen presents an instance. He went to The United States without a permit of emigration, and without having performed the military service required by his country. On his return, a naturalized citizen, he was taken and placed in the army. The right of Prussia to do this has been formally conceded. I presume it will be proper for me to act on this principle, unless formally instructed otherwise. I did not, however, think it advisable in my letter to Parehen to commit myself by a formal abandonment of his case. It was not necessary. He emigrated with his father at the age of 18, when yet a minor, and an argument might have been made that, in such a case, a permit of emigration was not necessary.



where he married ; and now has a wife and 4 children living ; that he was naturalized according to law, and became a citizen of The United States in 1850 ; that he left Syracuse about the 1st of October, 1853, on a visit to this Kingdom to recover some property inherited by him from his father, who died at Westwellars about two years since, and that soon after his arrival he was arrested and imprisoned.

At the instance of the Government of The United States, I hasten to bring this matter to the notice of your Excellency, and to inquire whether it be true that such arrest has been made, and that John Haben, the person arrested, is now confined in jail at Saarlouis or elsewhere, in the Kingdom of Prussia, and, if true, upon what ground, and for what reasons such proceedings have been taken against him.

As this case involves the personal liberty of a worthy and respectable citizen, I must respectfully, but earnestly, ask for it the immediate attention of His Majesty's Government. I cannot but hope that an inquiry into the facts will show that Mr. Haben has done nothing to merit the treatment he has received, and that he will be at once discharged. I take this occasion, &c.

*Baron Manteuffel.*

P. D. VROOM.

(*Inclosure 2.*)—*Baron Manteuffel to Mr. Vroom.*

SIR,

(Translation.)

*Berlin, February 26, 1854.*

I HAVE the honour to apprise you, in preliminary answer to your letter of the 22nd of this month, that I have promptly written to the Minister of the Interior, inviting him to obtain information in regard to the causes of the arrest of Mr. John Haben, a citizen of the United States, detained at Saarlouis, who had come into the Rhenish Province, his former country, in order to settle an affair of inheritance.

As soon as Mr. Westphalan's answer reaches me, I shall take care to inform you of its tenor. Accept, &c.

*P. D. Vroom, Esq.*

MANTEUFFEL.

*No. 27.—Mr. Vroom to Mr. Marcy.*

(Extract.)

*Berlin, May 2, 1854.*

I HAVE at length received from the Minister of Foreign Affairs an answer to my letter of the 22nd of February last, making inquiry into the cause of the arrest and detention of John Haben, a citizen of The United States.

It appears from this communication, a copy of which is herewith sent, that John Haben, being a native of Prussia, emigrated to America in 1842, at the age of 20 years, without a permit of emi-

gration, and without having performed the military service of him by his country; that, in 1845, he was proceeded to a violation of law, and his property condemned; that, returned to the place of his birth, was arrested and imprisoned in January following was incorporated into the army at which town he had been transported. It further appears that he made his escape on the 26th of January, and that the Government has fined him as a deserter.

Your despatch received this morning, informs me that he has returned safely to Syracuse. As he is no longer within the jurisdiction of this Government, no claim can be made for his surrender. I am, nevertheless, instructed to demand satisfaction for Haben's losses and the violation of his rights. If it shall appear that he had complied with the law of Prussia in leaving his native country, and that he owed no military service, it is not alleged, or, I believe, pretended by Haben, that he was discharged with leave, or had discharged his military obligations, the contrary is charged by this Government, there would be no ground on which any claim for indemnity can be maintained.  
*Hon. W. L. Marcy.* *P. I.*

(Inclosure.) *Baron Manteuffel to Mr. Troost*  
Sir, (Translation. *Berlin, April 1st.*)

In referring to my letter of the 26th of February, 1851, as a preliminary answer to that which you were pleased to send to me on the 22nd of the same month, relative to the case of John Haben, a citizen of The United States, who, having been taken near the end of last year into Prussia, his native land, and arrested, I have the honour to communicate to you the result of this measure, as they appear from a report made by the Prussian authorities at Treves.

John Haben was born on the 3rd of December 1822, in the circuit of St. Wendel. He is the son of John Haben, who died on the 20th of January, 1851, and of Angela Zambert, yet living. At the age of 20 (in 1842) this individual emigrated to America without a permit of emigration, and before fulfilling his military obligations. Prosecuted as a deserter, he was condemned on the 25th of April, 1845, to be sent to Sarrebrück, to the confiscation of his present and future property in Prussia. In the course of the month of October, 1850, he reappeared in the place of his birth, on a visit to his relatives, and was immediately arrested, conveyed to Saarlouis, and incarcerated on the 4th of January last in the 40th regiment of infantry at that city. In acting thus the competent authorities have

kept within the circle of their duties, Haben not having ceased to be a Prussian subject.

However, this individual, on the 26th of January last, succeeded in secretly leaving his garrison, to which he has not again returned. It is alleged that he has gone back to America. Consequently the Government has proceeded against him as a deserter, and, on the demand of the military judge, the court of Sarrebrück, by a judgment of the 22nd of February, has ordered the seizure of Haben's property in Prussia to help to satisfy the fine of 1,000 crowns which he incurred, as well as the expenses of the trial.

In giving you this information, I profit, &c.

*P. D. Vroom, Esq.*

MANTEUFFEL.

*No. 28.—Mr. Vroom to Mr. Marcy.*

(Extract.)

*Berlin, May 16, 1854.*

I HAVE the honour to transmit herewith the copy of a correspondence between this Legation and Philip Silverstone, a naturalized citizen. It appears that Silverstone went from this country to The United States, in 1848, at about the age of 18 years, and having resided there over 5 years and become naturalized according to law, he returned to his former home, and is now threatened with being placed in the army. Against this he asks to be protected.

In answer to this request, I informed him that having left his native country without leave, and without having discharged his military obligations, and having returned voluntarily and placed himself in the power of the laws he had broken, he could not be protected against the consequences of his own unlawful acts, committed before he had any claim upon the Government of The United States, and whilst yet a Prussian subject. In doing this, I have conformed, I believe, to the views of the department as conveyed in your despatch No. 7, and as further communicated in your despatch No. 8, in relation to the case of John Haben.

The case of Parehen, who is now in the army, is entirely similar in its features, and must be governed by the same principle.

In view of these cases, it is to be regretted that the impression has so generally obtained among our naturalized citizens that they are not only absolved from all allegiance to their former country, but from all liability to answer for having broken the laws, or failed to perform the duties required of them while yet subjects, and that they may at any time and in all places call upon the agents of The United States to protect them. The same impression prevails among those who have openly declared their intention to become citizens. Entertaining these opinions, they return to the land of their birth, and frequently become involved in difficulty. The number of this





allow myself to recognize as my nearest lawful authority, I apply for protection to my second journey hence to America.

I moreover pray you to answer me on this matter as promptly as may be: How far the pretensions of this local authority may affect my person and other relations? Whether the local magistrate is entitled to withhold the American passport belonging to me? Whether and in what legal conditions I may reckon on the support of the honourable Legation? and whether I can, before my journey to America, be furnished with a passport from the Legation, when with testimonials of good conduct, I respectfully ask for it?

The honourable Legation will most graciously excuse me for having prayed for the most prompt answer possible. Much depends on that, for I may fall into the embarrassment of too near approach to the Prussian authorities, or of yielding too far the rights of an American citizen.

I have, &c.

*P. D. Vroom, Esq.*

JOHN F. KLEIN.

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(*Inclosure 2.*)—*Mr. Vroom to Mr. Klein.*

SIR,

*Berlin, January 20. 1855.*

I HAVE received your note of the 15th instant, informing me that, having been born a Prussian subject, you left your native country about 6 years ago, after having performed your military duty in the 5th Prussian rifle battalion at Görlitz, and after having been declared a half-invalid of the second summons; that having been provided with a passport, you went to The United States, where you were duly naturalized; that having returned to this country to attend to your paternal inheritance, with a regular passport from the Government of The United States, you have been seized and placed under military arrest, because you remained abroad longer than the period prescribed in your original passport; and that the magistrate of the place where you now are refuses to return your American passport, without assigning any reason for such refusal.

You desire to be informed:

1. How far you can be affected in person or otherwise by the just pretensions or claims of the authorities?

2. Whether the magistrates can withhold from you your American passport?

3. Whether, and in what legal mode you may look for protection from this Legation?

4. Whether, before your departure for America, you can be provided with a passport from this Legation, by means of a certificate of good behaviour?

I have considered your case as presented, and in answer to your questions would remark, that all persons going from this Kingdom,

after having performed the full military duty required of subjects, and complied with the municipal laws, and who afterwards become citizens of The United States, are entitled to receive the protection of that country, wherever they may be. But if they shall leave the Kingdom without permission in violation of its laws, and afterwards return voluntarily, themselves within the power of the laws they have broken, cannot be protected from the consequences of their conduct. Applying this rule, you will be able to see how far you are legally affected, and what are the just claims that may be made against you.

As to these laws, and the due execution of them in every case, it will be proper for me to ask explanations of the present, unless you think that course will involve you in difficulties; and with respect to this, you must inform me.

I do not understand from your letter, which is somewhat ambiguous, that the authorities propose to enforce any other penalty against you; and I presume, therefore, the magistrates will not withhold from you your American passport. If the proper request is made, you will inform me, and I will take the steps as may be proper to secure your safe return to The United States.

I am, &c.

*Mr. Klein.*

P. D.

No 30. *Mr. Vroom to Mr. Marcy.*

(Extract)

*Berlin, March*

I TRANSMIT a copy of a letter from Francis A. Hoffmann, native of Prussia, now a citizen of The United States, in which he petitions to the King for leave to visit his native country, a copy of the answer to it; also a copy of a note addressed to the Minister of Foreign Affairs inclosing the petition.

*Hon. W. L. Marcy*

P. D.

(Inclosure)—*Mr. Vroom to Baron Manteuffel.*

M. LE BARON,

*March*

THE inclosed petition to His Majesty the King has been forwarded to me by the petitioner, Francis A. Hoffmann, now a citizen of The United States. Without committing myself in any relation to his rights as an American citizen, I have felt it my duty to transmit the memorial to your Excellency, hoping that His Majesty, on viewing the same, will be pleased to grant the reasonable prayer of the petitioner.

I beg, &c.

*Baron von Manteuffel.*

P. D.

*No. 31.—Mr. Vroom to Mr. Marcy.*

(Extract.)

*Berlin, September 18, 1855.*

I HAVE the honour to transmit to you copies of the following papers:

7. A note from the Minister of Foreign Affairs, dated 17th instant, informing me that the petition of Francis A. Hoffmann, a citizen of The United States, for leave to visit his native country without being subjected to military requisitions or penalties has been denied.

*Hon. W. L. Marcy.*

P. D. VROOM.

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*(Inclosure.)—Baron Manteuffel to Mr. Vroom.*

SIR,

(Translation.)

*Berlin, September 17, 1855.*

You have been so good as to cause to reach me, by your despatch of the 19th of March last, a petition to the King, from Mr. Francis A. Hoffmann, originally a Prussian, who has settled at Chicago, in The United States, and who requests permission to return to his native country.

This request having been, by order of His Majesty, sent to the Minister of the Interior, information has been obtained by the President-in-chief of the province of Westphalia in regard to the antecedents of the man Hoffmann, from which it has been ascertained that that individual left Prussia in 1840, without authority of his Government, and before he had complied with his military obligations. On his being prosecuted as a rebellious recruit, the court of Paderborn condemned him, on the 22nd of January, 1846, to the confiscation of all his present and future property in Prussia.

Under these circumstances, the Minister of the Interior has deemed it his duty to hesitate in supporting Mr. Hoffmann's claim before the King. The petitioner has already been directly notified of this. I have not been willing, however, to omit informing you likewise, and request you, Sir, to accept, &c.,

*P. D. Vroom, Esq.*

MANTEUFFEL.

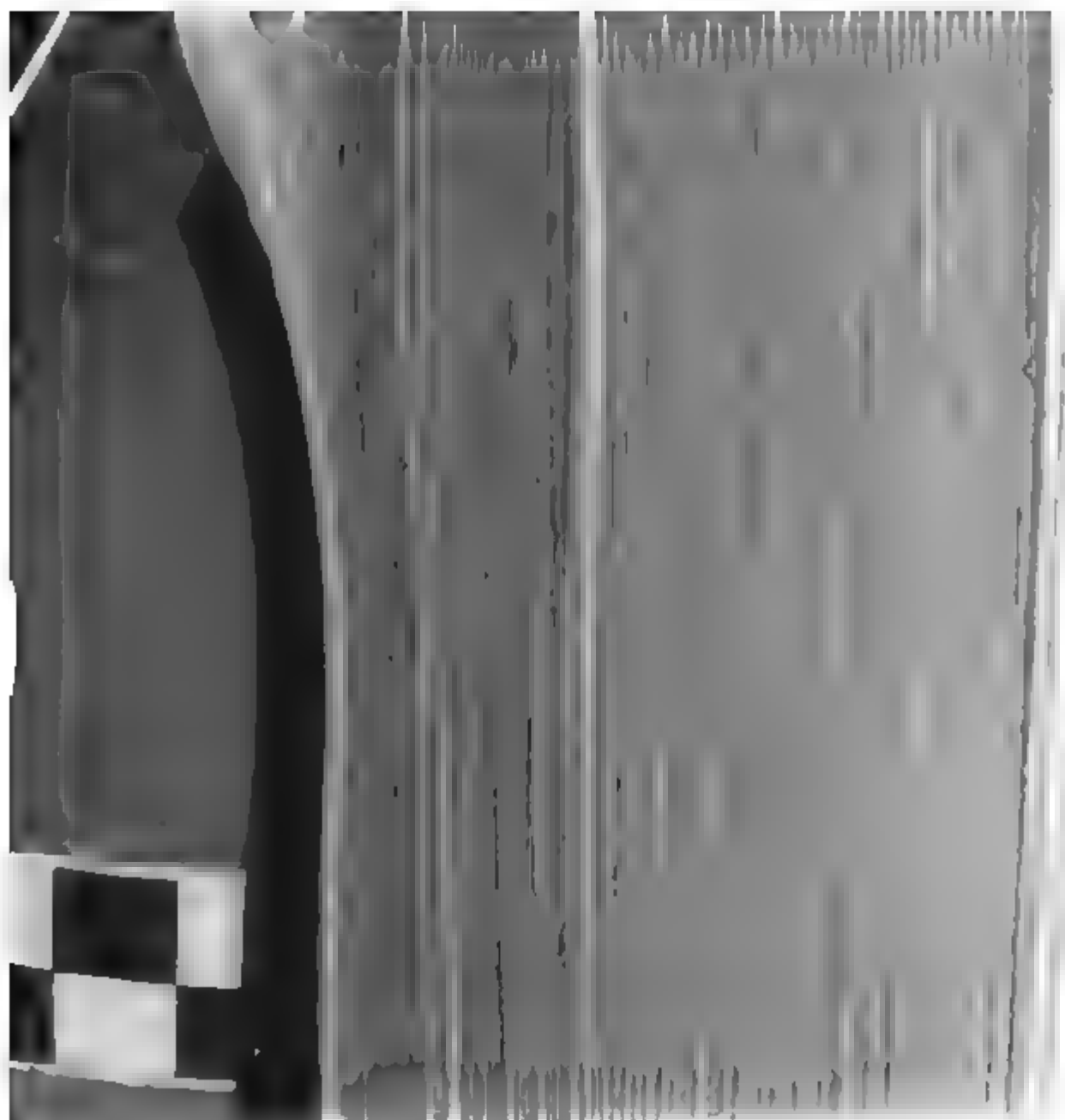
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*No. 32.—Mr. Vroom to Mr. Marcy.*

(Extract.)

*Berlin, October 23, 1855.*

I HAVE the honour to transmit a copy of a letter from John. Statz, a Prussian by birth, who left this country, at the age of 16 years, and returned at the age of 22 years, just after having been naturalized as a citizen. After being at Cologne about 3 months, he was taken up and placed in the army. As this case does not differ from several which have preceded it, I informed Mr. Statz, in my answer, that I would send a copy of his letter to the department, but could not hold out to him any prospect of relief. I did not



one of that class where persons obtaining from the Government leave to go to The United States for a year, remain abroad long enough to become citizens, and on their return are compelled to perform military service. It is similar to that of John Statz, about which there has been considerable correspondence. Copies of the application of Mr. Schlemmer (through a relative) to Mr. French, of his letter to me, and my answer are forwarded with this despatch.

I have, &c.

*Hon. W. L. Marcy.*

P. D. VROOM.

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(*Inclosure 1.*)—*Mr. French to Mr. Vroom.*

SIR,

*Aix-la-Chapelle, February 23, 1856.*

I INCLOSE herewith a certificate of naturalization of Mr. George Schlemmer, together with a letter which covered it, from his brother-in-law, Mr. Stahlschmidt.

I have written to Mr. Stahlschmidt that I should send his communication to you for such action as you might see fit to take, but that I feared that nothing could be done to relieve his relative from the unpleasant situation in which he has placed himself.

I have, &c.

*P. D. Vroom, Esq.*

A. FRENCH.

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(*Inclosure 2.*)—*Mr. Vroom to Mr. French.*

*Berlin, February 25, 1856.*

YOUR letter of the 23rd instant, in regard to the case of George Schlemmer, has been received with the papers accompanying it. It appears that Mr. Schlemmer left Prussia for The United States in 1849, being then in his 19th year, with a passport from his Government, giving him leave of absence for a year. Instead of returning, he remained in The United States upwards of 5 years, and in the meanwhile became naturalized as a citizen, in the Court of Common Pleas for the city and county of New York, on the 4th of December, 1854, as appears by his certificate of naturalization. He has now returned voluntarily and placed himself within the power of the laws which he violated before he had any claim to protection from our Government. I do not see that under such circumstances anything can be done by the Legation here for his relief. I am satisfied that any application to the Prussian Government for his discharge would be unavailing. The Government is especially strict towards those who have taken advantage of a limited absence, granted them as a favour, to become citizens or subjects of another country.

I inclose the certificate of naturalization you sent me.

Very respectfully, &c.

*French, Esq.*

P. D. VROOM.

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A copy of the  
my letter to the He  
herewith.

*Hon. W. L. Marcy.*

(Inclosure  
(Translation.)

SINCE the receipt

certificate attesting that he had provisionally been admitted as a citizen of The United States. Having asked permission to stop at Neuss, for the purpose of visiting their relatives there, permits of sojourn were issued to them by the police.

The Provincial Councillor of the Circuit, however, deemed it his duty to have investigation made into the military relations of the brothers Herzfeld; and he then learned that these two individuals had not answered the call in their native city, but that they had had themselves inscribed on the registers of the city of Cologne, from which afterwards they entirely disappeared; that Maximilian having been summoned, before his departure to America, to present himself before the commission for the recruitment of the army, he had refused to appear, claiming for himself the character of a foreigner, he having meanwhile obtained a permit of emigration; that, in order to obtain this document in the shortest possible time, the two brothers had pretended, in the course of the month of July, 1854, that the vessel in which they wished to embark for America was on the point of sailing; but that, after obtaining the permit of emigration, they had still remained in the country until the end of the year 1854.

All these manoeuvres have convinced the provincial authorities that the declaration made at the time, by the two brothers Herzfeld, of wishing to emigrate to The United States, was only a trick to escape from their military obligations in Prussia.

As to the motive of his return to Neuss, Maximilian at first declared that he wished to make various purchases in the States of the Zollverein; but he afterwards alleged that his intention was to settle his business at Neuss. Thus different motives, which have induced the regency of Dusseldorf to order Gustavus and Maximilian to be sent back. It must be stated, moreover, that, in 1848 and 1849, the house of the brothers Herzfeld at Neuss was the gathering-place of the Democratic party, so much so that Joseph Herzfeld, brother of the demandants, was prosecuted at the time for his revolutionary intrigues, and fled to America.

In this state of things, the Minister of the Interior thinks that the expulsion of the brothers Gustavus and Maximilian Herzfeld is fully justified, more especially as the delay of 3 months, which they asked for in their petition of the 18th of January last, has since expired. The regency of Dusseldorf have, therefore, just been directed to no longer extend the time which was granted to the brothers Herzfeld for their sojourn in Prussia.

In giving you these explanations, I have; &c.

D. Vroom, Esq.

**MANTEUFFEL.**

Legation will be found. Mr. Statz was one of those precluded from doing so, and unwise to make a refusal of this Government of a law, though our naturalized citizen day repealed or modified in the first letter, although I have satisfied him that I am entertaining very deep doubts as to having come to a decision with my course; and I have said to the Government, and thought proper, in a very brief manner, to come to it in as simple a manner as possible. Mr. Statz, I hope I may appeal to the country. I will bring his case before you, and respectfully ask for him, the most favorable consideration I have been in any case.

I have been in any case, and expedient under the



*(Inclosure.)—Mr. Vroom to Mr. Statz.*

SIR,

*Berlin, January 19, 1857.*

A COPY of my last letter to you, of the date of the 29th November, and a copy of your note to which it was an answer, were forwarded to the Secretary of State on the 2nd of December. Within a few days past, I have received a communication from the Secretary, in which he says that my proceedings in your case are approved; and that if any special instructions had been deemed necessary they would have been given without delay. It is due to myself, as well as to you, that I should inform you of this immediately, and, in doing it, I must again express to you my regret at the situation in which you are unfortunately placed, and at my inability to relieve you.

Very respectfully, &amp;c.

*Mr. Statz.*

P. D. VROOM.

*No. 39.—Mr. Vroom to Mr. Cass.**(Extract.)**Berlin, July 14, 1857.*

BONIFAZ GLAHN, alleging himself to be a naturalized citizen of The United States, has recently been apprehended at Weisenfels, in the province of Saxony, and subjected to military service as a Prussian subject. In a letter addressed to the Legation, dated the 3rd instant, but which was not received until the 9th, he complains of this treatment, and asks for relief and protection. He states that he left Prussia in 1849, at the age of 15½ years, and went to the State of Illinois, where he learned a trade, and was about to commence business for himself, but desired first to visit his parents in Germany. Having become naturalized in The United States, and bearing a passport and certificate of citizenship, he returned to his birth-place after an absence of 8 years, and was there immediately apprehended and placed in the ranks.

As this case, however unfortunate it may be for Mr. Glahn, differs in no respect from others that have occurred, and in which the Government has declined to interfere, I have advised him that I am not authorized to demand his discharge, for reasons which are fully set forth in my answer to his letter, and that he must not therefore expect any relief from the Legation.

I stated, however, that I would send a copy of his complaint to the Department of State, but without any expectation that I would be instructed to take any measures in his behalf.

This being the first case of the kind that I have had occasion to present to your notice, I have thought it advisable to refer to it somewhat in detail, in order that the principle adopted and hitherto acted on might be more distinctly brought to the view of the Department.

If I had the least hope that any application for a remission of

even part of Mr. Glahn's term of service would meet with I should feel encouraged to make one. But knowing, as I the views and feelings of the Prussian Government on the subject, I am persuaded that an application, made now, would only be unavailing, but injuriously affect any effort that made for his release at a future time.

A copy of the correspondence with Mr. Glahn, and all letter first referred to, are herewith transmitted.

*Hon. Lewis Cass.*

P. D. V

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*No. 40.—Mr. Wright to Mr. Cass.*

(Extract)

*Berlin, September 1*

IN consequence of similar cases being presented to this your attention is respectfully called to the case of Bonifa stated in the despatch of my predecessor, of the date of 1857. I shall be pleased to hear from the department in reference to said case.

*Hon. Lewis Cass.*

JOSEPH A. W

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*No. 41.—Mr. Wright to Mr. Cass.*

(Extract.)

*Berlin, September 5*

HAVING received no response to the cases of Eugene and John Henne, the presumption is that the State Department acquiesces in the views taken of these cases by the Prussian authorities. I cannot, therefore, but suggest to our Government propriety of making some radical change in relation to the of the Prussian Government upon citizens of The United States in military services, as well as providing some remedy for the detention of our citizens who are ordered away from Prussia without notice, trial, &c. It is well known at this very hour, that United States' citizens serving in the Prussian army again will; others desire to return to the land of their birth, where left in infancy; some to settle up their estates; some to support aged parents; others, in the language of John Henne, "over the grave of his father." Yet all this is refused by the present Ministry. Had this occurred with our Irish emigrants under the English Government, it may be well said that we have found a remedy. Why not find one with Prussia? The cases presented are numerous, and must, in the nature of things, continue. Cannot an appeal be presented from our Government, at least for some exceptions to this rule? May not the infants of Prussia, raised under our flag from childhood to 3 score years, return to his native land, see his relatives, settle up his business, and may not the American citizen, settled in business in Prussia under existing treaties, claim the right to be tried by the laws of the United States?

courts before he is ordered out of the country? In short, may not our Government at once recognize the importance of vindicating the inviolability of The United States' citizen in Germany, and take some prompt and decisive steps to bring this subject before the Prince of Prussia?

Believing that something may be accomplished, and that the auspicious moment will be at the time of the ushering in of the Prince of Prussia, as he has shown already some clear indications favourably recognizing the rights of the citizen, I await the views of the Government, with the firm belief that some protection and aid may be attained at this time for this large class of our adopted and worthy citizens.

*Hon. Lewis Cass.*

JOSEPH A. WRIGHT.

*No. 42.—Mr. Wright to Mr. Cass.*

(Extract.)

*Berlin, September 28, 1858.*

MAY we not ask successfully, under the new order of things, for some change in the treatment of our adopted citizens who return to Prussia, particularly those who left in infancy? Is there not reason to hope that we may at least expect some exceptions to the present rigorous rule?

The department has before it the cases of John Henne and Eugene Dullyé.

Among the numerous cases presented to the Undersigned is the one of Captain Paul Borner, who was shipwrecked on the coast of Africa, and returned to New York, his adopted home, enfeebled and sick. He was advised by his physicians to return to the land of his birth, Breslau, in Prussia, where his parents reside. After 3 months' rest and kind treatment there, his health was restored. When he sought to leave for his adopted home, however, the authorities there gave him to understand that his military duty in Prussia must be discharged.

It is said that, at this time, there is a person serving in the Prussian army against his will, who was one of our soldiers in the war with Mexico, and who is a citizen of The United States.

No American Consul or Minister can shield from impressment a United States' citizen who has the misfortune to be born in Prussia. Is it possible that there is no remedy for this state of things? My opinion is, that if a decided and firm stand be taken by our Government, during the present peculiar position of affairs in Prussia, it will lead to good results. It is certainly worthy of a trial, and my energies and time shall be devoted to furthering the work.

*Hon. Lewis Cass.*

JOSEPH A. WRIGHT.



3. The seaman, John Joach Fred. Witt, of Damgarten.
4. The seaman, Anton Hans Fred. Dübb, of Damgarten.
5. The weaver, John Chris. Theodore Galitz, of Papenhagen.
6. The seaman, Charles Peter Ebert, of Zingst.

*Note.*—Nos. 1 to 6 were born in the year 1828, in Prussia.

7. The seaman, Ernst Brassen, of Bisdorf.
8. The shoemaker, John Lewis Ulrich Lustig, of Stralsund.
9. The seaman, Rudolph William Adolph Borman, of Stralsund.
11. The seaman, John Henry Kraefft, of Prerow.

*Note.*—Nos. 7 to 11 were born in the year 1829, in Prussia.

12. The seaman, Charles Ernst Wilde, of Cummerow.
13. The goldsmith, John Burmeister, of Stralsund.
14. The seaman, Charles Chr. Bründler, of Stralsund.
15. The shoemaker, Henry G. Groth, of Stralsund.
16. The seaman, John Charles Grey, of Stralsund.
17. The seaman, John Fred. Schutt, of Bartelshagen.
18. The seaman, Charles Hermann Schutt, of Born.
19. The seaman, Hans Nich. Vierow, of Damgarten.
20. The seaman, Gus. Henry Gottschalk, of Fuhlendorf.
21. The seaman, Joachim Peter Utech, of Prerow.
22. The seaman, John Henry Mierke, of Zingst.
23. The sailor, John Daniel Schutt, of Zingst.

*Note.*—Nos. 12 to 23 were born in Prussia, A.D. 1830.

These have left the kingdom without permission, in order to void the performance of their military duty.

The late quartermaster, William Haase, of the second class of landwehr, of Stralsund.

The sub-officer of the second class of landwehr, of Stralsund, John Ehrbecker.

The soldier of the second class of landwehr, Gundlach of Tarkow.

These landwehrmen had leave of absence temporarily, but they migrated in 1857 without permission.

All those persons herein named are summoned to appear at mid-day on the 21st of February, 1859, before this court (royal) first section, and to bring with them all evidence which can serve for their defence.

Against those who do not appear, the sentence of disobedience will be passed.

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*No. 45.—Mr. Cass to Mr. Wriest.*

*Washington, January 31, 1859*

YOUR several despatches concerning the case of August Julius of John Henne, and also conveying very much important information

communication of Mr. Legation ; and they arising out of a case said while he was Mr. tions it is admitted, i tions may be imposed of expatriation, which may be enforced

There are serious whole subject, which to remove, and if that and unacceptable. If spondence, and they contrary to our notion to excite strong feelings as much sympathy for. If it depended upon would soon be provoked dealing with foreign rights, and after being to maintain and end the personal security realized. And even when demand, we may be justified the friendly feelings which press with und

Prussian Government to make any change in the decision of Mr. Dullyé's case, nor to recognize the principles you contended for; and the spirit manifested did not indicate that the time was favourable for urging these modifications in the Prussian system which circumstances called for. Repeated conversations with the Prussian Minister here confirmed this impression. The last note of Baron Manteuffel, dated January 12, 1858, was a positive denial of the existence of any just claim in this case upon the Prussian Government, and a distinct avowal that no action in favour of Mr. Dullyé would take place. This position was so decided, that you considered any further efforts on your part useless, and therefore you referred the matter to your Government and awaited its instructions.

The first consideration which presented itself was, whether the application to the Prussian Government was an appeal to its justice, in which the Treaty rights of The United States were involved, or an appeal to its comity, conveying the views of a friendly Power in a matter in which it felt an interest. On a careful consideration of the case, I felt myself compelled to differ from you in opinion, and became satisfied that, as a matter of right, Prussia could not be required to reverse the proceedings against Mr. Dullyé. Had the conclusion been otherwise, you would have been instructed to present the firmest representations to the Prussian Government against its action, and to make a peremptory demand for redress. Not being entitled, therefore, to urge this case as a violation of a Treaty stipulation, the Government felt unwilling to invoke the favourable action of the Prussian Government at that time, in the face of the manifestation of its indisposition to make any such change as we desire in its established policy. The subject had been presented by you with much force, and little could be added to the considerations you had urged showing the hardship of such cases.

With respect to the question of right involved in the proceedings against Mr. Dullyé I have to observe, that it is connected with certain general principles of administration which require a brief notice. Every independent State has the right to regulate its internal concerns in its own way, taking care to avoid giving just cause of offence to other nations. In almost all the European States there are police and administrative powers exercised by the Governments, which enable them to exert a very arbitrary authority over residents, whether natives or foreigners. When our citizens enter those countries, they enter them subject to the operation of the laws, however arbitrary these may be, and responsible for the violation of them. Our Treaty with Prussia recognizes this, and provides that the inhabitants of each of the said countries shall be at liberty to reside in the territories of the other







to the desire to seek relief in his case, I hoped to induce some change in the police regulations of Prussia, in their operation upon our naturalized citizens. Hence my language: "I beg leave to submit whether some action should not be taken by our Government which may result in a change in this respect." The charge against Mr. Dullyé, may be in itself "no crime or offence," to employ the language of the late Minister of Foreign Affairs; but the removal, in this summary manner, without notice or trial, of an American citizen engaged in active business, under our present Treaty stipulations with Prussia, surely involves in its operation and effect a charge which is most serious in its consequences. In the case of Eugene Dullyé, it was quite impossible to present the department with all the details of the charge and prosecution; yet the facts communicated showed, in the language of your last despatch, "that Mr. Dullyé is an injured man, and not guilty of the conduct which was so severely visited."

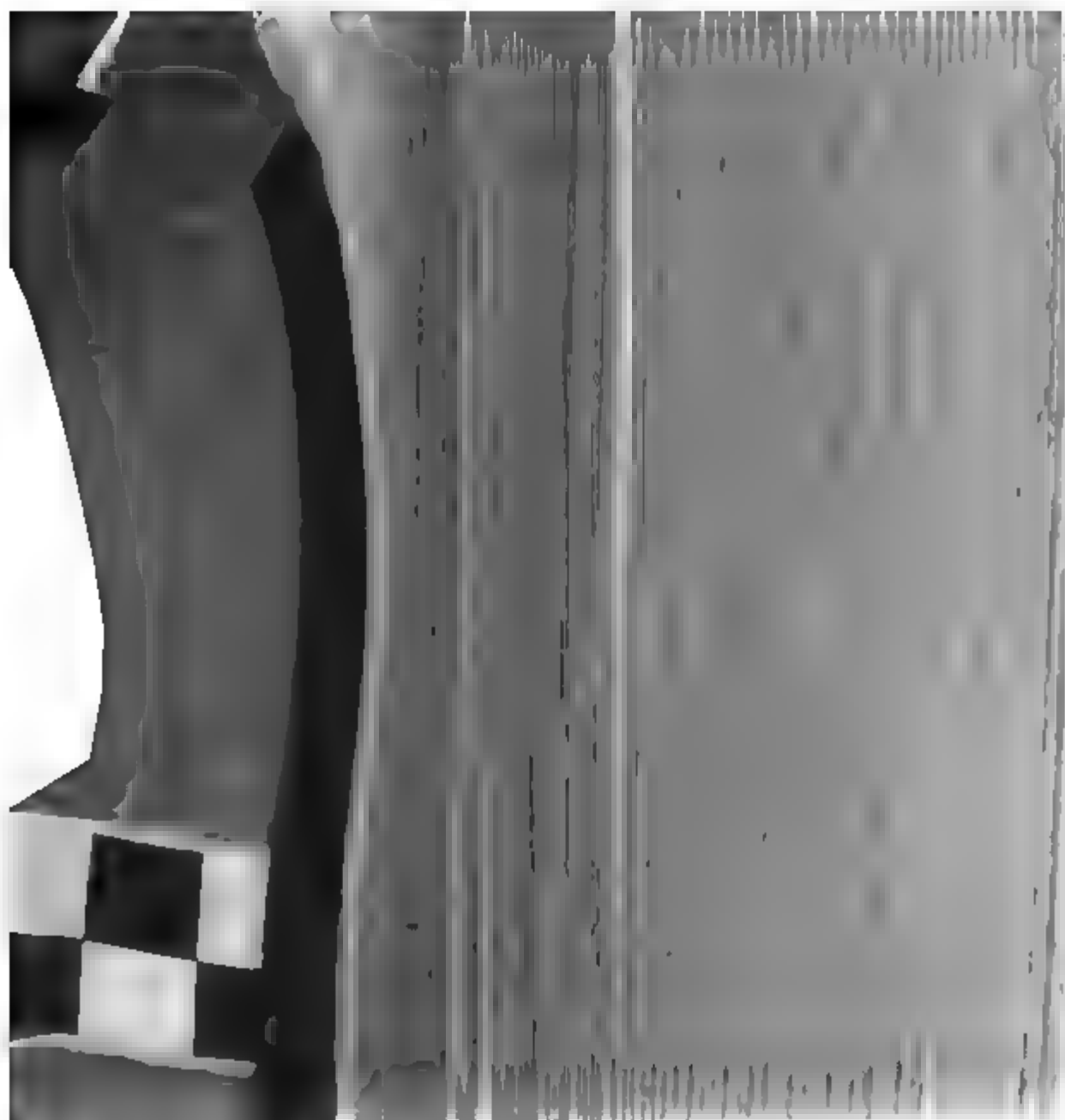
The department will readily perceive, from the language of the former Minister of Foreign Affairs relative to citizens of The United States returned to Prussia, so forcibly answered in your last despatch, what will be the practical working of such views upon our citizens who are returned to Prussia.

I beg leave to submit to the department whether an arrangement by Treaty stipulations, that American citizens residing in Prussia shall not be ordered out of the country without notice or trial, is asking too much of a Government like this, united so closely by intercourse and increasing commerce to our own.

My object in communicating the case of John Henne was to present to the department the two questions which had arisen. I used the following language in my despatch dated August 7, 1858: "Mr. Henne states that when 17 years of age he left Prussia, the land of his birth, in company with his uncle, for The United States." Thus Mr. Henne left before he was subject to military duty.

It is very seldom that a citizen of The United States, who has received a permit of emigration from Prussia desires to return. Those receiving permits of emigration, who are of age, take with them their families and relatives. Those under age embraced in these permits of emigration, when they reach adult age in our country, find their kindred and friends around them. Hence the great majority of those returning to Prussia belong to a different class from either of these.

The department will observe the requirements of the Prussian law, who leaves Prussia without permission and serves in the active army or the landwehr, incurs a fine of 500 thalers, and the payment of the fine, or the imprisonment,



In communicating to me the correspondence in reference to the young man who desired to return to Oldenburg, a copy of which is herewith attached, the Consul at Bremen uses the following forcible language: "I could present you with numerous instances in which the hardships of the existing laws in relation to military duty, as applied to those who left this country under age, have come under my own observation. Indeed, it is the rule, and not the exception, that when the poor wanderer, covered by the broad ægis of our country's nationality, arrives within the limits of my Consulate, I am forced to tell him, thus far you can go, but no further. He may be almost within sight of the house of his father, or the white tomb of his mother's grave; yet all around my Consular district he is hemmed in by the bayonets and police of foreign Powers, who jealously exclude him from the blessed privilege of meeting with his long absent friends, around the hearth-stone of his boyhood's home." Again: "In at least 3 out of 5 cases, persons residing in other States are obliged to come within the limits of my Consulate to see their children or brothers."

In answer to the inquiry about those serving in the army against their will, I would refer the department to the case of John Statzer or Statz, mentioned in detail by my predecessor in his despatch dated December 2, 1856. It seems that Statz left Prussia, the land of his birth, when 16 years of age, was placed in its army on his return, against his will, and as far as I am advised, is still discharging military duty.

I am not advised as to the result of the case of Captain Paul Bonner.

The department will perceive that the reply of the Minister of Foreign Affairs does not meet the question as to the course of proceedings taken against those who leave Prussia under age, without having performed their military duty. In a conversation with said Minister, on the 3rd day of December last, I understood him to say that obligations were taken from the parent leaving the country for the performance of this duty. It seems, however, that I misunderstood him. I have since had an interview with him, expressly upon this subject, and he informs me that "the Government seldom gives permits of emigration, where the sons are nearly of age at the time of the application, and never when they believe the object in view is to avoid this duty; but that it may in some cases make such a stipulation." This report will account for what I stated in my despatch, dated December 4, 1858.

The Prussian army consists of 3 divisions:

1. The standing army, numbering about 125,000.
2. The landwehr. This consists of two parts; the first levy

includes all the serviceable men from 25 to 32, and this is composed of all the fighting men between 32 and 40.

3. The landsturm. This is composed of all men bearing arms who are from 17 to 50, and who are not in the standing army nor in the landwehr.

The Government of Prussia is peculiarly a military government, while we have no right to ask for a change in this respect, to have her accommodate herself to our standard, still, in this respect, I would submit the question, whether we have the right to deny at least all retrospective obligations, and the suspension of judicial proceedings against those who have been in the country during minority?

I not only witness cases of great hardship, but have been well calculated to excite any citizen of our country. In my communication upon this subject, I have been surprised at the action of the department, but at the fact that so little has been done by our Representatives abroad to bring this subject before the department.

The number of Germans returning to their fatherland is constantly increasing; therefore, whatever course is taken upon in this matter for the future by Prussia, will be felt by all the States of the Zollverein.

I suggest to the department the propriety of presenting the following points for the consideration of the Prussian Government:

1. The abandonment of the claim of nationality of American citizens returning to Prussia who left these claims in full liability to America.

2. No proceedings to be taken against absent soldiers in the United States, who could trace their way home, and so return.

3. Some additional restrictions giving American citizens residing in Prussia, the right of trial in a Prussian court, and restoring them to a expulsion.

4. The right to collect full taxes in either of the States of Prussia in a way affecting an American citizen.

Prussia is surrounded by foreigners as a small island, and her national virtues are being entirely lost. I have seen thousands of Prussians who give for our sympathy in their treatment in making their way through the world. I have seen the class who, in former years, were to be seen at their graves, and says, "to weep over the grave of his father," and another "on business connected with the estate."

The United States is not a party to the arrangements

the Sovereigns of Europe claim to hold these subjects in perpetual bondage, and by which they deny to them the right to choose and select for themselves a new home and free institutions. If these subjects, in pursuit of their undoubted rights, choose our free country as their home, conform to its laws, are nurtured and raised under our institutions, perfect their citizenship, and are admitted to a perfect equality with the native citizen, it would seem to be our part of the contract to defend them while abroad; at least those against whom no liability had accrued when they left the land of their birth.

I have great confidence that our Government will be able to devise means of a pacific but firm character, which will remove these unjust and inhuman restrictions.

If I have been mistaken in my views of what is right or what is expedient, it will be my pleasure to conform to those of the department, and to co-operate with it in doing all I can to relieve this numerous class of our adopted citizens. I have, &c.

*Hon. Lewis Cass.*

JOSEPH A. WRIGHT.

(*Inclosure 1.*)—*Mr. Wright to Baron Schleinitz.*

*Berlin, December 31, 1858.*

THE Undersigned would be pleased to receive from your Excellency some accurate information respecting the military service in the Prussian army, embracing all the details which may be useful in forming a correct opinion of its operation upon citizens of The United States who were born in Prussia; and especially upon the following points: At what time does the military service actually commence; and at what age are persons liable to be enrolled, or so connected with the service that the obligation cannot be dissolved without the action of the Government? I should be pleased to receive any other information which shall disclose the principal features of the Prussian military system which affect citizens of The United States.

Your Excellency will please furnish me, also, with a copy of the document issued to subjects leaving Prussia called a "certificate of emigration." I allude to those certificates which exonerate persons from the penalties arising out of their liability to serve in the army, should they return to Prussia. I hope to learn from your Excellency, also, how these certificates are granted, and how far they remove existing or contingent liabilities; and whether they are granted to persons of tender age upon application being made for them; or how are such persons considered by the law. I inclose Your Excellency a list of the persons against whom notice has been issued for neglect of military duty.

I beg to be informed if such proceedings are taken against all



part therein at a later time, and his more advanced age does not exempt him from such call.

Emigration is not permitted, except with express leave from the Government. This permission cannot be granted to males between 17 and 25 years of age, unless they produce a certificate from the commission for recruiting the army, testifying that they do not propose to expatriate themselves for the sole purpose of evading their military obligations.—(Section 17 of the Law of 31st of December, 1842, on the mode in which the quality of subject of Prussia is acquired and lost. Bulletin of the laws of the year 1843, p. 15, *et seq.*)

This certificate serves also as a guide when it is required to determine if there is reason to grant to minors authority to emigrate with their parents.

Soldiers belonging to the army in active service, or to the reserve, do not obtain leave to expatriate themselves until they have been dismissed.

On the other hand, the service in the first or second levy of the landwehr does not prevent the person who may still be subject to such service from disengaging himself from the ties which bind him to his native land; one exception alone is made to this regulation, which is when the landwehr is called into active service.

Whoever leaves Prussia without permission, and thereby evades service either in the army, in active service, or the landwehr, incurs a penalty of 50 to 1,000 crowns, or incurs an imprisonment of one month to one year.—(§ 110 of the Penal Code of April 14, 1851.)

But the payment of the penalty or the infliction of the punishment of imprisonment does not dispense with the obligation to render the military service. This obligation continues the rather until he who may have neglected his duty discharges it completely.

Proceedings are taken against such persons the moment it is perceived that they are unlawfully absent, and without regard to the age they may meantime have attained.

The permission to emigrate, of which a formula is annexed to this memorandum, puts an end to the quality of Prussian subject (§ 20 of the Law of December 31, 1842), and whoever has obtained it is no longer under any obligation to serve in the army. Unless there be a formal exception, this permission embraces also the wife of the individual to whom it has been granted, as well as the minor children who are still subject to the paternal authority.

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(Inclosure 4.)—Form.

(Translation.)

THE Undersigned Royal Government certifies hereby that a permit of emigration has been granted to [name, profession, resi-



United States. I desire, also, to know whether the Captain Bonner has been followed by any coercive act in his service.

The Constitution of The United States, with our laws, makes no difference between a native-born and a naturalized citizen, nor does the Government recognize any difference between the rights of the two classes. Obligations of the Treaties into which it enters. Obligations of the Government adverted to may create liabilities on the return of Foreign subjects, but we have a right to expect that these will be met with as little individual injury as may be consistent with a just system of administration, and especially as the doctrine of alienable allegiance has been abandoned by Prussia, and as on this general subject cannot be embarrassed by any question out of that pretension.

I regret to see in Baron Manteuffel's note to you of the 9th, 1857, a disposition unfavourable to the return, under the circumstances of Prussian emigrants, who have been naturalized in the United States. Though no intention is avowed to excite such a feeling on the part of the Prussian authorities as to make their residence in Prussia very unpleasant, as well as for purposes of business, if not, indeed, liable to restrictions. Even where a Government is not restricted by international engagements, it is still a harsh measure to exclude the emigrant from his native country, or to subject him to the event of his return, even for a brief period, or where the circumstances are imperative. Business, anxiety to see valued relatives, a natural desire to visit the land of their birth, these and other motives, laudable in themselves, may induce this class of our citizens to return to their native country. It is difficult to perceive what national objection can exist to the return of such citizens. Surely no danger can be apprehended to the public peace, for the Governments possess ample power for preservation, even if there were a disposition, a very supposition, on the part of these few individuals to disturb the tranquility of the country. These remarks are not made in violation of the right of naturalized citizens of The United States to revisit and reside there—that right is secured by the Constitution, but this Government relies upon the justice and friendship of Prussia not to permit any unfavourable impression respecting returned naturalized citizens to work them injury. The remarks upon the general subject are accompanied by the recollection that our naturalized citizens of Irish birth had causes of complaint against the British Government similar to those which this class of Prussian emigrants have against theirs, a remedy was found; and you ask, significantly, why not find a remedy

latter case? I am constrained to believe that this remark, which has been read by the President with regret, was made without due consideration. To find a remedy for cases of hardship is precisely what you have been striving to do, and what the Government is anxious to accomplish. Where there are violations of our rights, either international or conventional, the United States will not hesitate to use all proper means to secure a remedy. But there are many cases of hardship in which no such rights are violated, and here our appeal must be made to the justice and good feeling of the proper Government; and when they occur in Prussia, of course, to the Prussian Government.

The Government of The United States is not influenced in the treatment of our naturalized citizens, or in the protection it affords them, by any considerations growing out of their respective places of birth, and I am at a loss to understand why you should have thought it necessary to intimate a different opinion.

In looking into this subject, I feel the want of an accurate knowledge of the Prussian law respecting service in the army. Almost all the complaints which have reached the Government from naturalized citizens in Prussia have originated in demands arising out of the system of compulsory service. The process by which the necessary supply of men is provided for the military establishments of continental Europe is contrary to our ideas of personal right, but we have no right to ask that it be changed, and made to accommodate itself to our standard. If it affect our citizens injuriously, it may fairly be made the subject of friendly representation. According to the Prussian system, which has some peculiar features, the whole population is compelled to serve in succession in the army. You will oblige me by communicating to me all the details connected with this branch of the Prussian administration, which may be useful in forming a judgment of its operation upon our returned citizens; and especially at what time the military service actually commences, and at what age persons are considered liable to be enrolled, or so connected with the service that the obligation cannot be dissolved, without the action of the Government.

In addition, I shall be pleased to learn any other features of this scheme of policy which may exhibit its bearing upon our citizens.

It is understood that a document is issued by the authority of the Prussian Government to all its subjects desirous of leaving the country, with a view to establish themselves elsewhere, called a certificate of emigration, which exonerates such persons from the penalties, arising out of their liability to serve in the army, should they return to Prussia. If such a certificate is fairly issued, as a matter

of course upon application, and with reasonable fees or proper officers making out the papers, and if its legal effect remove the obligation which would otherwise exist, I can see no just reason why any person not ignorant of his ability to obtain such a protection should leave Prussia without providing with it. I am desirous of learning the provisions of the law in this respect. How are these certificates granted? How far do they remove existing or contingent liabilities? How are they granted to persons of tender age upon application made by their parents or how are such persons considered by the law? It may be that by some accident or misconception, a person may leave Prussia without this muniment of safety; but unless so proved, an emigrant is inconsiderate in his departure, and still more so in his return.

Information upon the above points is indispensable for the formation of a correct judgment upon the true condition of returned citizens in Prussia, and of the proceedings and laws of that country. As soon as it is received the whole subject will be fully considered. We shall then be better enabled to judge of the causes of complaint fairly exist, and what modifications we may ask of the Prussian Government. There is one position which I entirely approve, and that is that the evidence upon which a decision is given against an American naturalization should be communicated to the Minister of The United States in his application. Involving as it must the Treaty stipulation between the two countries, it is a demand which ought not to be refused. I shall, however, again advert to this topic when your report comes here, and furnish you with the views of the Government on the subject, as well as those it may be enabled to form from the information received concerning the measures it may be proper to adopt.

I am, &c

*Joseph A. Wright, Esq.*

LEWIS

*No 16.—Mr Wright to Mr. Cass*

SIR,

*Berlin, January*

I HAVE the honour to forward herewith copies of a communication with the Minister of Foreign Affairs on the subject of military service in Prussia, as suggested in your despatch of December 10, 1858.

I endeavoured, in my communication to the Minister, to touch upon the points alluded to in your despatch, and, though his answer does not embody them all as satisfactorily as might be desired, I forward it to the department.

In presenting, heretofore, the case of Eugene Dullyé, in

to the desire to seek relief in his case, I hoped to induce some change in the police regulations of Prussia, in their operation upon our naturalized citizens. Hence my language: "I beg leave to submit whether some action should not be taken by our Government which may result in a change in this respect." The charge against Mr. Dullyé, may be in itself "no crime or offence," to employ the language of the late Minister of Foreign Affairs; but the removal, in this summary manner, without notice or trial, of an American citizen engaged in active business, under our present Treaty stipulations with Prussia, surely involves in its operation and effect a charge which is most serious in its consequences. In the case of Eugene Dullyé, it was quite impossible to present the department with all the details of the charge and prosecution; yet the facts communicated showed, in the language of your last despatch, "that Mr. Dullyé is an injured man, and not guilty of the conduct which was so severely visited."

The department will readily perceive, from the language of the former Minister of Foreign Affairs relative to citizens of The United States returned to Prussia, so forcibly answered in your last despatch, what will be the practical working of such views upon our citizens who are returned to Prussia.

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My object in communicating the case of John Henne was to present to the department the two questions which had arisen. I used the following language in my despatch dated August 7, 1858: "Mr. Henne states that when 17 years of age he left Prussia, the land of his birth, in company with his uncle, for The United States." Thus Mr. Henne left before he was subject to military duty.

It is very seldom that a citizen of The United States, who has received a permit of emigration from Prussia desires to return. Those receiving permits of emigration, who are of age, take with them their families and relatives. Those under age embraced in these permits of emigration, when they reach adult age in our country, find their kindred and friends around them. Hence the great majority of those returning to Prussia belong to a different class from either of these.

The department will observe the requirements of the Prussian law, "who leaves Prussia without permission and avoids thereby the service in the active army or the landwehr, incurs a fine of 50,000 thalers, and the payment of the fine, or the imprisonment,

does not dispense with the obligation to discharge duty."

I have endeavoured, after the fullest consultation with the consuls at Bremen, Hamburg, and Stettin, to arrive at satisfactory data as to the number of Germans annually emigrating from this country from The United States. I have examined the inquiries all who were born in the Zollverein States, and who left them, &c. I have ascertained from these investigations that less than 10,000 Germans return annually, more than 10,000 whom left before incurring any liability for military duty, and one in ten of these minors have taken with them on emigration. Another class must not be omitted, viz. those who left the country ignorant of their duty, and who believe that an American passport will protect them from their neglect in not obtaining a permit of emigration, and against all claims of any foreign Government. It will be observed that the consequence of not obtaining a permit of emigration is, of itself, enough of the Prussian code as to bring the offender under the law. Prussia keeps a register of the birth of every citizen within its limits; and no Government takes more pains to be accurate with all its statistical tables. Hence, were I to send by my despatch a list and a memorandum concerning those to whom sentence will be pronounced for neglect of duty if they did not appear at a certain time before the recruiting committee in order to be examined as to their fitness to do military duty, the proper officer has only to examine the register of birth to see who makes out his report of the list of delinquents, and an individual may have been for 10 years previous to his year residing in The United States, yet, if not procuring a permit of emigration, on his return to Prussia he is under the sentence of the law; and if he can be found at any time in the country, his doom is sealed, and service in the army, against a certain reward. I do not believe that Prussia succeeds in twenty in placing in its army our returned citizens, and the loss of but little value to them, while to us it is most costly and annoying.

The department had, doubtless, my despatch upon December 1st. The young men therein named, Max and Otto, residing in Detroit, and Otto S. Rhein, residing in New York, the latter the son of a widow of this city, left Prussia without either of them being liable to military duty at the time of their emigration. Rhein remained 6 weeks in Berlin, in seeing his mother, but Collman did not venture to tarry but returned with his aged parents. Both of them succeeded in settling in their adopted homes in America.

In communicating to me the correspondence in reference to the young man who desired to return to Oldenburg, a copy of which is herewith attached, the Consul at Bremen uses the following forcible language : " I could present you with numerous instances in which the hardships of the existing laws in relation to military duty, as applied to those who left this country under age, have come under my own observation. Indeed, it is the rule, and not the exception, that when the poor wanderer, covered by the broad ægis of our country's nationality, arrives within the limits of my Consulate, I am forced to tell him, thus far you can go, but no further. He may be almost within sight of the house of his father, or the white tomb of his mother's grave; yet all around my Consular district he is hemmed in by the bayonets and police of foreign Powers, who jealously exclude him from the blessed privilege of meeting with his long absent friends, around the hearth-stone of his boyhood's home." Again : " In at least 3 out of 5 cases, persons residing in other States are obliged to come within the limits of my Consulate to see their children or brothers."

In answer to the inquiry about those serving in the army against their will, I would refer the department to the case of John Statzer or Statz, mentioned in detail by my predecessor in his despatch dated December 2, 1856. It seems that Statz left Prussia, the land of his birth, when 16 years of age, was placed in its army on his return, against his will, and as far as I am advised, is still discharging military duty.

I am not advised as to the result of the case of Captain Paul Bonner.

The department will perceive that the reply of the Minister of Foreign Affairs does not meet the question as to the course of proceedings taken against those who leave Prussia under age, without having performed their military duty. In a conversation with said Minister, on the 3rd day of December last, I understood him to say that obligations were taken from the parent leaving the country for the performance of this duty. It seems, however, that I misunderstood him. I have since had an interview with him, expressly upon this subject, and he informs me that " the Government seldom gives permits of emigration, where the sons are nearly of age at the time of the application, and never when they believe the object in view is to avoid this duty; but that it may in some cases make such a stipulation." This report will account for what I stated in my despatch, dated December 4, 1858.

The Prussian army consists of 3 divisions :

1. The standing army, numbering about 125,000.

2. The landwehr. This consists of two parts; the first levy

includes all the serviceable men from 25 to 32, and this is composed of all the fighting men between 32 and 40.

3. The landsturm. This is composed of all men bearing arms who are from 17 to 50, and who are not in the standing army nor in the landwehr.

The Government of Prussia is peculiarly a military government, while we have no right to ask for a change in this respect, to have her accommodate herself to our standard, still, in this respect, I would submit the question, whether we have a right to deny at least all retrospective obligations, and the suspension of judicial proceedings against those who were in the country during minority?

I not only witness cases of great hardship, but have seen well calculated to excite any citizen of our country. In my communication upon this subject, I have been surprised at the action of the department, but at the fact that so little has been done by our Representatives abroad to bring this subject before the department.

The number of Germans returning to their fatherland is constantly increasing; therefore, whatever course is taken upon in this matter for the future by Prussia, will be felt by all the States of the Zollverein.

I suggest to the department the propriety of presenting the following points for the consideration of the Prussian Government.

1. The abandonment of the claim of military and political rights of American citizens returning to Prussia, who left this country at the age of majority.

2. No proceedings to be taken against absent soldiers in the United States, who were absent at the age of majority.

3. Some additional restrictions, giving American citizens residing in Prussia, the right of trade in Prussia, and enforcing their expulsion.

4. The right to copies of all papers and letters of the Prussian Government, in any way affecting American citizens.

Prussia is surrounded by free citizens and soldiers, and her railroad facilities are great, to enable the young Prussians who leave their fatherland, to find a way to make their way to the sea, to the class who, in three years return to the land of their fathers, "to weep over the grave of their father," and another "on business connected with the estate."

The United States is not a party to the arrangement.

the Sovereigns of Europe claim to hold these subjects in perpetual bondage, and by which they deny to them the right to choose and select for themselves a new home and free institutions. If these subjects, in pursuit of their undoubted rights, choose our free country as their home, conform to its laws, are nurtured and raised under our institutions, perfect their citizenship, and are admitted to a perfect equality with the native citizen, it would seem to be our part of the contract to defend them while abroad; at least those against whom no liability had accrued when they left the land of their birth.

I have great confidence that our Government will be able to devise means of a pacific but firm character, which will remove these unjust and inhuman restrictions.

If I have been mistaken in my views of what is right or what is expedient, it will be my pleasure to conform to those of the department, and to co-operate with it in doing all I can to relieve this numerous class of our adopted citizens. I have, &c.

*Hon. Lewis Cass.*

JOSEPH A. WRIGHT.

(*Inclosure 1.*)—*Mr. Wright to Baron Schleinitz.*

*Berlin, December 31, 1858.*

THE Undersigned would be pleased to receive from your Excellency some accurate information respecting the military service in the Prussian army, embracing all the details which may be useful in forming a correct opinion of its operation upon citizens of The United States who were born in Prussia; and especially upon the following points: At what time does the military service actually commence; and at what age are persons liable to be enrolled, or so connected with the service that the obligation cannot be dissolved without the action of the Government? I should be pleased to receive any other information which shall disclose the principal features of the Prussian military system which affect citizens of The United States.

Your Excellency will please furnish me, also, with a copy of the document issued to subjects leaving Prussia called a "certificate of emigration." I allude to those certificates which exonerate persons from the penalties arising out of their liability to serve in the army, should they return to Prussia. I hope to learn from your Excellency, also, how these certificates are granted, and how far they remove existing or contingent liabilities; and whether they are granted to persons of tender age upon application being made for them; or how are such persons considered by the law. I enclose your Excellency a list of the persons against whom notice has been issued for neglect of military duty.

I beg to be informed if such proceedings are taken against



persons who have left Prussia without performing their military duty, without regard being had to their age at the time of removal.

The Undersigned would be pleased to receive from your Excellency, at as early a day as may be found convenient, information upon these subjects.

I pray, &c.

*Baron de Schleinitz.*

J. A. WRIGHT.

*(Inclosure 2.)—Baron Schleinitz to Mr. Wright.*

SIR,

(Translation.)

*Berlin, January 6, 1859.*

IN your letter of 31st of last month, you expressed a desire to obtain some information about the military service of Prussia.

After causing such information to be collected, I have had it condensed in the memorandum which I have the honour, Sir, to transmit to you herewith.

In returning to you, at the same time, the citation which was annexed to your letter, I seize the occasion, &c.

*J. A. Wright, Esq.*

SCHLEINITZ.

*(Inclosure 3.)—Memorandum on Prussian Laws relating to Military Service and Emigration.*

(Translation.)

*Berlin, January 6, 1859.*

BY the terms of section 1 of the Law of 3rd September, 1814 (Collection of Laws for the year 1814, p. 79), every Prussian subject who has attained the age of 20 full years is obliged to serve in the army.

In consequence, in each year all the young men of that age must present themselves at a certain time before the military commission of the circle in which they are domiciled, to be examined as to their fitness to render service, and designated, the case happening, to a detachment in which they are to be incorporated.

This obligation to present themselves for service is not extinguished by time. Whoever does not appear at the point indicated, is held to serve at a more advanced age, and if he can be got hold of, is enrolled under the flag before any other.

Service in the army, in active employ, lasts 3 years. —(Section 6 of the law above mentioned.)

During the two years following, the soldier is dismissed on leave, and belongs to the reserve, thenceforward he is not called into service until a war, or an increase of the active force requires it.

After the expiration of these two years, the soldier passes for 7 years into the first levy of landwehr (land guard), which, in time of peace, musters only annually for some weeks of drill.

These 7 years completed, the soldier becomes a member for 7 years longer of the second levy of the landwehr, which is only called out in time of war.

Whoever evades the duties of the landwehr is obliged to take

part therein at a later time, and his more advanced age does not exempt him from such call.

Emigration is not permitted, except with express leave from the Government. This permission cannot be granted to males between 17 and 25 years of age, unless they produce a certificate from the commission for recruiting the army, testifying that they do not propose to expatriate themselves for the sole purpose of evading their military obligations.—(Section 17 of the Law of 31st of December, 1842, on the mode in which the quality of subject of Prussia is acquired and lost. Bulletin of the laws of the year 1843, p. 15, *et seq.*)

This certificate serves also as a guide when it is required to determine if there is reason to grant to minors authority to emigrate with their parents.

Soldiers belonging to the army in active service, or to the reserve, do not obtain leave to expatriate themselves until they have been dismissed.

On the other hand, the service in the first or second levy of the landwehr does not prevent the person who may still be subject to such service from disengaging himself from the ties which bind him to his native land; one exception alone is made to this regulation, which is when the landwehr is called into active service.

Whoever leaves Prussia without permission, and thereby evades service either in the army, in active service, or the landwehr, incurs a penalty of 50 to 1,000 crowns, or incurs an imprisonment of one month to one year.—(§ 110 of the Penal Code of April 14, 1851.)

But the payment of the penalty or the infliction of the punishment of imprisonment does not dispense with the obligation to render the military service. This obligation continues the rather until he who may have neglected his duty discharges it completely.

Proceedings are taken against such persons the moment it is perceived that they are unlawfully absent, and without regard to the age they may meantime have attained.

The permission to emigrate, of which a formula is annexed to this memorandum, puts an end to the quality of Prussian subject (§ 20 of the Law of December 31, 1842), and whoever has obtained it is no longer under any obligation to serve in the army. Unless there be a formal exception, this permission embraces also the wife of the individual to whom it has been granted, as well as the minor children who are still subject to the paternal authority.

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(Inclosure 4.)—Form.

(Translation.)

THE Undersigned Royal Government certifies hereby that a permit of emigration has been granted to [name, profession, resi-

dence], at his request, and for his emigration to ——— with his wife, formerly Miss ———, and the following minor children, still being under the authority of the father:

[Name and time of their birth.]

This permit of emigration causes the loss of the quality of Prussian subject from the date of its delivery, only, however, for those persons expressly named therein.

The day of ———.

(SEAL.) ROYAL PRUSSIAN GOVERNMENT

(No. —.)

(Inclosure 5.)—*Mr. Diller to Mr. Thyen.*

DEAR SIR,

Bremen, May 7, 1858.

CAN a person who left Oldenburg before he was 15 years of age, and before 1849, return on a visit of one month to said Dukedom, if he is a citizen of The United States? Is there a law of Oldenburg that the only son of a widow is exempt from military service? If such is the law, or if it is not, can such a son get permission from the Grand Duke to visit his mother for a month or 6 weeks?

Excuse me for troubling you, and accept, &c.

O. Thyen, Esq.

ISAAC B. DILLER

(Inclosure 6.)—*Mr. Thyen to Mr. Diller.*

SIR,

Bremen, June 15, 1858.

You are aware that, on the 7th ultimo, in consequence of your note of the same date, I immediately requested the Oldenburg Ministry to give me information on the subject of your inquiry, which I have at last, to-day, received an answer, of which is inclosed is a copy. I am sorry not to have been able to give sooner.

Begging you to accept the assurances, &c.

Isaac B. Diller, Esq.

O. THYEN

(Inclosure 7.)—*Baron von Berg to Mr. Thyen.*

(Translation.)

Oldenburg, June 11, 1858.

IN answer to the inquiry of The United States' Consul, dated the 7th of May, as well as to his other interrogatories in respect to the laws of this country upon "military duty" and "emigration" the Ministry, observing at the same time that, in the absence of official relations between the said Consul and the Government of the Grand Dukedom, and between Consul Thyen, respectively, the communication can only be regarded as a private one, reply as follows:

That an Oldenburg subject, even if he have left his native country before his 15th year, not only does not, by that circum-

stance, lose his quality of subject, but remains bound to perform his military duty as such subject, and cannot, of himself, escape this obligation by becoming a citizen of The United States. For such an abandonment of duty, he is liable to be visited by the penalties of the law; and if he, or a part of his property, can be laid hold of, legal proceedings must be instituted against him. There is, however, nothing to prevent his return to this country; and a summary arrest will be dispensed with, in case he receive "free escort" from his Royal Highness the Grand Duke, or give satisfactory security that he will hold himself ready, at all times, to meet the requirements of the law.

According to existing laws, the only son of a widow is not exempt from performing military duty; and this rule was, under the former laws, only otherwise when the son supported his mother in such a manner that she, in the event of his entering the service, must have fallen a burden upon the "general poor box;" but even this ground of exemption is wanting to those who have not properly announced themselves, or have been condemned for avoiding duty.

Permission from the Grand Duke to return to their native land, without the infliction of legal punishment, cannot be granted to those subjects who have violated the laws for the military service. A remission or mitigation of the legal punishment, by sovereign grace, can only be taken into consideration after the party in question has submitted to legal proceedings, followed by judgment.

Department of Foreign Affairs, represented by  
*O. Thyen, Esq.*

VON BERG.

*No. 47.—Mr. Wright to Mr. Cass.*

(Extract.)

*Berlin, January 26, 1859.*

I OMITTED to inform the Department, in my last despatch, that, among others who have lately been placed in the Prussian army, with American passports, are Joseph Orthaus and Raphael Fisher. The latter has been relieved by the clemency of the Prince Regent. The application of Mr. Orthaus for relief has not yet been decided. They both left the country, I am advised, after their liability for military service had accrued.

*Hon. Lewis Cass.*

JOSEPH A. WRIGHT.

*No. 48.—Mr. Wright to Mr. Cass.*

(Extract.)

*Berlin, March 12, 1859.*

SINCE my despatch of the 18th of January, several cases have come before me in relation to "military service." I have presented two of these, by petition to the Prince Regent, for relief, but have received no definite answer yet.

*Hon. Lewis Cass.*

JOSEPH A. WRIGHT.

*No. 49.—Mr. Wright to Mr. Cass.*

(Extract.)

*Berlin, April 9, 1859.*

Numerous cases have been presented, since my despatch of January 18, 1859, on the subject of military service claimed for our citizens. I have presented petitions, in some of them, to the Prince Regent. In reply to one of them, he reduced a sentence of 9 months' imprisonment to 3, for a case of desertion.

At this time, the application of Francis A. Hoffmann, a distinguished citizen of Chicago, Illinois, is before the Prince Regent, and I have strong hopes of his receiving a full pardon. Mr. Hoffmann has not been arrested.

I have not, thus far, presented any case for clemency where the party left this country before any liability accrued.

*Hon. Lewis Cass.*

JOSEPH A. WRIGHT.

*No. 50.—Mr. Cass to Mr. Wright.*

SIR,

*Washington, May 12, 1859.*

IN the despatch from this department of December 10, 1858, you were requested to procure and transmit reliable information respecting the law of Prussia relating to natives of that country naturalized in The United States and returning to the place of their birth, and were informed that, upon its receipt, the views of the Government would be communicated to you upon various questions affecting that class of our citizens. Your letter transmitting the information has been received, and has been submitted to the President, and I am now to convey to you his instructions for your guidance under the circumstances.

I need not repeat the considerations, heretofore adverted to, which induce European emigrants, naturalized in The United States, to desire to revisit the countries of their birth. It is certain that in some of these countries, Prussia particularly, serious impediments exist to the gratification of this desire, to the grave injury of the persons thus harassed, and with no obvious corresponding advantage to the countries themselves.

The grievances in Prussia, of which we have a right to complain, are of two descriptions, one being harsh regulations, which it is competent for the Government of the country to impose, but which are so oppressive, and it is believed unnecessary, as to be scarcely consistent with that comity and courtesy which friendly States owe to one another; and the other being, in the opinion of The United States, in violation of the Treaty between them and Prussia. I shall call your attention to these subjects of complaint.

The most friendly feeling has always existed between these two States, and the President confidently relies upon the disposition of the Prussian Government to receive our representations in an am-

cable spirit, and to furnish such redress as the circumstances may justly call for. The change you anticipated in the Government of Prussia, by the inauguration of a regency, and to which you look forward as an event that would probably prove favourable for the consideration of these subjects having taken place, the present time may afford you a proper opportunity to urge these questions upon that Government, and you will not fail to commence your task by impressing upon the Minister of Foreign Affairs the importance which is attached in this country to the accomplishment of the objects indicated.

The rights of the citizens of The United States and of Prussia to enter and reside in the territories of those powers respectively are prescribed and regulated by the Treaty between them of May 1, 1828.\* It is therein provided, that "the inhabitants" (meaning thereby, by the practical exposition of the parties, their respective citizens) "shall mutually have liberty to enter the ports, places, and rivers of the territories of each party wherein foreign commerce is permitted." Baron Manteuffel, in the declaration contained in his note to you of November 9, 1857, "that, from the existing laws of Prussia, no former subject of the King, whatever his condition may be, has the right of claiming his readmission into Prussia," has advanced a pretension which this Government considers palpably inconsistent with this clause of the Treaty.

The right of entrance is unconditional and unlimited, and no distinction is recognized in the enjoyment of its benefits between native-born and naturalized citizens; nor is it competent for either of the parties to make such a distinction, and to restrict, at its pleasure, the operation of that instrument. Had there been any reason whatever to suppose that Prussia would assume this power, the Treaty would not have been concluded, for this Government has no constitutional authority to recognize classes among its citizens, and to embrace some of them in its Treaty stipulations while others are excluded. It does not appear that the claim of a right to judge what American citizens shall be excluded from its benefits has ever been actually enforced, and its application in Mr. Dullyé's case is clearly disclaimed. We may expect that it will be disavowed by the Prussian Government, and the obligations of the Treaty admitted, according to the plain import of the terms.

The reciprocal right of entrance into the territories of the parties having been thus provided for, provision was then made for residence therein in the following words: "They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy to that effect the same security and protection as natives of the

country wherein they reside, on condition of their submitting the laws and ordinances there prevailing."

This clause is sufficiently clear, in the judgment of this Government, to preclude any controversy respecting its meaning, and Baron Manteuffel claims for the Prussian Government a power of administration expressly at variance with the rights herein secured and which, if exercised, would leave the Treaty inoperative, so far as regards the question of residence. In his letter to you, he maintains that the Prussian "Government has the incontestable right to decide, *per se*, whether or not it be expedient for it to allow a stranger to sojourn in Prussia," &c. The Government of the United States, on the contrary, maintains that every American citizen has the incontestable right to enter the Prussian territory and there to remain undisturbed, so long as he submits "to the laws and ordinances there prevailing." It is not denied that the right claimed by Baron Manteuffel is one of the attributes of national sovereignty, which any Government may exercise when not restrained by conventional stipulations. But the United States and Prussia have contracted with each other that the power of expulsion shall not be assumed, unless under the circumstances prescribed by the Treaty. The question, therefore, in any given case, is not what the parties might do, by the public law of the world, but what they may do, consistently with the obligation they have respectively incurred.

The condition of residence being submission to the laws and ordinances, it is competent for the Government of the country having reason to believe that this condition has been violated, to erect an inquiry to be instituted, with a view to ascertain if there is any just ground of complaint against the suspected party. If the ordinary criminal jurisdiction of the country is wholly independent of the Treaty stipulations. These apply only to the power of expulsion. The manner of conducting this inquiry is not prescribed by the Treaty, but it should, no doubt, be in conformity with the institutions of the country, and managed with fairness and impartiality. In the despatch addressed to you from the Department, and dated December 10, 1858, this subject was briefly considered, and the right of the Prussian authorities to inquire into the conduct of American citizens, in the same manner the conduct of Prussian citizens is inquired into, fully admitted, and this principle of administration leads necessarily to the admission made in the same despatch, that our citizens resident in Prussia are subject to all the police regulations of the Kingdom, and responsible to the tribunals intrusted with their maintenance. The difference, however, in the constitution, and practice of the judicial courts, and these police tribunals, leads to one of the practical grievances you

have pointed out. The ordinary courts of justice are open, and their proceedings free to public observation and scrutiny, while parties accused are always heard in their defence. On the contrary it appears that the police investigations are conducted in secret, and our citizens, in such cases, are kept in ignorance of the accusation and the accuser, and are thus deprived of the natural right of self-defence.

Independent of general principles of justice, which are violated by such a mode of investigation, there are obvious considerations why, in the determination of a question of right, like that in M. Dullyé's case, arising out of conventional obligations with another country, the proceedings should be open, with proper opportunity of defence, so as to carry with them a satisfactory conviction of their justice and impartiality. Every Prussian subject residing in The United States would be entitled, in the event of an accusation against him, to this process of examination, and it is difficult to conceive what reasonable objections there can be to the introduction of the same system into Prussia, and its extension to all cases where the rights of American citizens are concerned. Sudden ejection from Prussia might be seriously injurious to an American citizen, and if he is kept in ignorance of the charges against him, he may be the victim of personal hostility, and learn their existence by the judgment of expulsion only.

I fully concur with you in the opinion, that copies of the papers upon which an American citizen has been condemned, should be furnished upon application. Indeed, it is so obviously just that I have been unable to conjecture what reason can be given for the refusal. Baron Manteuffel misapprehends the relation of the Government of The United States to their citizens, when he supposes that it cannot interest the Government to know upon what evidence an American citizen has been excluded from the enjoyment of rights guaranteed by Treaty stipulations. It interests this Government at all times to know how the conventional engagements into which it enters are observed, and especially when they involve cherished personal rights. Without at all calling in question the good faith or impartiality of another Government, it is certainly not unreasonable that this Government should be furnished with the grounds of proceeding in any case which it may think demands its interposition. Without such a resource, it would have no means of judging how far its rights may have been respected or its citizens justly dealt with. The claim made by Baron Manteuffel of the exclusive right of judgment in these cases is not contested, but its possession furnishes an additional consideration in favour of the adoption of a mode of proceeding which would carry with it confidence in its administration.



It would be a practical denial of all right of expatriation and a full assertion of the doctrine of perpetual allegiance.

In stating these views, I must not be understood as desiring to limit in any manner the jurisdiction of Prussia within its territories, or to contest in the slightest degree its full control over its own municipal legislation. I appeal only to the express provisions of our Treaty, and to those principles and that policy which are approved by Prussia herself.

So far as two of the points mentioned in your despatch of the 18th of January are concerned, it is not supposed that there would be any serious difference of opinions between Prussia and The United States. I cannot believe that the claim of Prussia that duty will be insisted upon as against an American citizen who left Germany before the age when he became liable to military service. Since the class of those who leave without permission at the age of liability, but before they have actually been called to service, cannot be a large one, it is hoped that a liberal disposition on the part of the two Governments in respect to the few of the class who may desire to return to Prussia, will prevent the occurrence of any practical disagreement between Prussia and The United States.

Under our Treaty with Prussia there can be no doubt that American citizens who owe no service to Prussia, and have not taken the oath of allegiance to Prussian law, have a right to visit and reside in Prussia without being in any way molested by the Government. And if they are charged with any offence, it seems only reasonable that their trial should be surrounded with all the usual safeguards of a court of justice. Or if, under any circumstances, the Government should require, in the opinion of the Prussian Government, a preliminary examination, this Government surely ought to be allowed to send with copies of the papers on which the proceeding was based, and the reasons which led to its result. While Prussia has the perfect right to proceed against persons found within its jurisdiction, the Government of those persons has an equal right to be heard, whether the proceeding was reasonable, and the result was reached just.

In discussing this subject with the Prussian Government, we will bear in mind its difficulties, and will aim to procure a modification of the existing system by an appeal to the justice and leniency of the Prussian authorities, rather than by a peremptory demand, which might be calculated to defeat its own object.

I am, &c.

*J. A. Wright, Esq.*

LEWIS

*No. 51.—Mr. Wright to Mr. Cass.*

(Extract.)

*Berlin, June 4, 1859.*

I AM just in receipt of your dispatch dated May 12. It shall receive my most earnest and constant attention.

During the present crisis, it will be impossible to turn the attention of the Government to these interesting and, to us, deeply important questions. As an evidence of the disposition of the Prince Regent to avoid this class of subjects at present, I cite the case of Francis A. Hoffmann, mentioned in my despatch. In this case, the Ministers of War, Justice, Interior, and Foreign Affairs, have all united in favour of his petition; but the Prince Regent has, as yet, not acted, although his attention has been frequently solicited. I feel armed, on this subject, with the views, opinions, and arguments so well and forcibly expressed in the instructions of the President. I cannot doubt of the ultimate success. To accomplish this end, I will devote most faithfully my time and abilities.

*Hon. Lewis Cass.*

JOSEPH A. WRIGHT.

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*No. 52.—Mr. Wright to Mr. Cass.*

(Extract.)

*Berlin, June 25, 1859.*

It is impossible to engage the attention of the Government of Prussia, at the present time, upon the subject mentioned in your despatch, dated May 12, 1859.

*Hon. Lewis Cass.*

JOSEPH A. WRIGHT.

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*No. 53.—Mr. Cass to Mr. Wright.*

SIR,

*Washington, July 8, 1859.*

I AM directed by the President to call your immediate attention to the case of Christian Ernst, a naturalized American citizen, who is said to have been recently forced into the service of the King of Hanover, and to be now performing military duty in his army. According to the representations of his friends, Mr. Ernst is a native of Hanover, but left that country some 8 or 10 years ago, and came to The United States, where he declared his intention to become an American citizen, and where he was legally naturalized on the 24th of February, A.D. 1859. His oath of allegiance to this Government was administered in the Court of Common Pleas for Scioto county, Ohio, and nearly all his relatives reside in that State. They allege that at the time of his departure from Hanover, he was neither in actual service in the Hanoverian army nor had been drafted to serve in it, and that consequently he was under no military obligation to that Kingdom. Under these circumstances, having occasion to visit Germany, he obtained a passport from this department on the 24th of March last, and in the following April he

You are authorized to bring this subject to the attention of the Prussian Government, and to ask its favourable action in relation to it.

But the principal subject of complaint on the part of the United States, growing out of the Treaty, results from the position assumed by the Prussian Government to compel the performance of military service in cases which, in the opinion of this Government, are not justified by that instrument. Prussia does not hold to the doctrine of perpetual allegiance, but recognizes the right of her native-born citizens to expatriate themselves, and to form new political ties in a new country.

And whatever may have been the conflicting views entertained on this subject in former times, it is believed that this right is now generally acquiesced in by all the leading nations of the era. Practically, at least, it is not likely that the doctrine of perpetual allegiance will ever hereafter be insisted on. In this age of the world, the idea of controlling the citizen in the choice of a home, and binding him by the tie of a mere political theory to inhabit for his lifetime, a country which he constantly desires to leave, hardly be entertained by any Government whatever. All, probably, that can be expected or obtained in respect to citizens or subjects who wish to emigrate is, that, before emigrating, they shall discharge faithfully the duties, whether past or present, which they owe to the country of their birth. This being done, they are, doubtless, to find a new home in whatever portion of the world they may choose to live. In recognizing this doctrine, as so generally understood to do, Prussia places herself fully in accord with

the spirit of the age, and with what will, doubtless, hereafter be regarded as the settled law of the world. Preliminary, however, to the exercise of the right of expatriation in Prussia, it appears, by information furnished you by Baron Martens, that the permission of the Government is required, and that the violation of this law is punishable by fine and imprisonment. It is not known, whether this law is stringently enforced, or how far it is restrained in its application by considerations of age or condition, but it is not to be reconciled its existence with a full admission of the right of expatriation. When a native Prussian leaves his country without permission and becomes a naturalized citizen of the United States, can it be reasonably contended that he is liable to punishment, should he return to Prussia, merely because he so left? This would be to hold that he could be justly punished for having exercised an acknowledged right. It is indispensable that he should leave Prussia before he can find a new home elsewhere; and to punish him for his departure is to punish him for changing home. If this doctrine is maintained, it is easy to see how of

and painfully two great nations may be brought in conflict with regard to their respective rights and duties in the case of a subject of the one who has become a naturalized citizen of the other. Such a person returns to the land of his birth, for example, claiming no protection in his original character as a native of the country, but relying on the Government of his new home to see that he is not injured himself, while he does wrong to no one else. What is the duty towards him of this new Government? Shall it permit him to be placed in prison, or otherwise punished, without any attempt whatever for his protection? Especially shall it do this, when there is a Treaty in full force between the two countries which provides that the citizens or subjects of either shall be allowed to visit and reside in the territories of the other? These questions indicate very clearly in what way a collision of duty and authority might frequently arise among nations, if the act of expatriation is to be regarded as a grave offence, and punishable by fine and imprisonment. I am persuaded that the enlightened Government of Prussia will not fail to appreciate this difficulty, and that your representations on the subject will not, therefore, be without effect.

In respect to the claim of military service, which is regarded by the States of Germany as of great importance, a manifest distinction is to be made between actual deserters from the army and the withdrawal from the country of persons who have not yet been drafted into service. The former are undoubtedly under obligations to perform their military duty whenever they return to their native State. But the mere contingency that he may be called into service cannot place the citizen or subject under the same obligation. The principle of compulsory military service exists in The United States, and all their citizens able to bear arms may be called out, if required, to defend the Republic. But this liability which exists, till destroyed by physical disability, and becomes an active duty when called for by the state of the country, interferes with no man's right to travel at home or abroad, or to become a member of some other political community. And the same considerations apply to all the duties which men are required to perform under all Governments, such as serving upon juries, where juries make part of the judicial system, the holding of civil offices, where the law imposes this duty, and various other kinds of obligatory service which the necessities of society require, and which from time to time during life must be performed. If the future liability to do military duty creates a perpetual obligation, wherever the party may be, and whatever other responsibilities he may have incurred, the same principle will enable a Government to prevent its subjects or citizens from ever leaving its dominions or changing their home.

It would be a practical denial of all right of expatriation and a full assertion of the doctrine of perpetual allegiance.

In stating these views, I must not be understood as desiring to limit in any manner the jurisdiction of Prussia within its territories, or to contest in the slightest degree its full control over its own municipal legislation. I appeal only to the express provisions of our Treaty, and to those principles and that policy which were approved by Prussia herself.

So far as two of the points mentioned in your despatch of the 18th of January are concerned, it is not supposed that there would be any serious difference of opinions between Prussia and The United States. I cannot believe that the claim of Prussia that duty will be insisted upon as against an American citizen who has left Germany before the age when he became liable to military duty. Since the class of those who leave without permission is, before the age of liability, but before they have actually been called to service, cannot be a large one, it is hoped that a liberal disposition on the part of the two Governments in respect to the few cases of the class who may desire to return to Prussia, will prevent the occurrence of any practical disagreement between Prussia and The United States.

Under our Treaty with Prussia there can be no doubt that American citizens who owe no service to Prussia, and have not taken Prussian law, have a right to visit and reside in Prussia and its territories without being in any way molested by the Government. And if they are charged with any offence, it seems only reasonable that their trial should be surrounded with all the usual safeguards of a court of justice. Or if, under any circumstances, the Prussian Government should require, in the opinion of the Prussian Government, a more minute examination, this Government surely ought to be permitted to send with copies of the papers on which the proceeding was based, and the reasons which led to its result. While Prussia has the perfect right to proceed against persons found within its jurisdiction, the Government of those persons has an equal right to be heard, and whether the proceeding was reasonable, and the result which was reached just.

In discussing this subject with the Prussian Government, we will bear in mind its difficulties, and will aim to procure a modification of the existing system by an appeal to the justice and candour of the Prussian authorities, rather than by a peremptory demand, which might be calculated to defeat its own object.

I am, &c.

*J. A. Wright, Esq.*

LEWIS

*No. 51.—Mr. Wright to Mr. Cass.*

(Extract.)

*Berlin, June 4, 1859.*

I AM just in receipt of your dispatch dated May 12. It shall receive my most earnest and constant attention.

During the present crisis, it will be impossible to turn the attention of the Government to these interesting and, to us, deeply important questions. As an evidence of the disposition of the Prince Regent to avoid this class of subjects at present, I cite the case of Francis A. Hoffmann, mentioned in my despatch. In this case, the Ministers of War, Justice, Interior, and Foreign Affairs, have all united in favour of his petition; but the Prince Regent has, as yet, not acted, although his attention has been frequently solicited. I feel armed, on this subject, with the views, opinions, and arguments so well and forcibly expressed in the instructions of the President. I cannot doubt of the ultimate success. To accomplish this end, I will devote most faithfully my time and abilities.

*Hon. Lewis Cass.*

JOSEPH A. WRIGHT.

*No. 52.—Mr. Wright to Mr. Cass.*

(Extract.)

*Berlin, June 25, 1859.*

It is impossible to engage the attention of the Government of Prussia, at the present time, upon the subject mentioned in your despatch, dated May 12, 1859.

*Hon. Lewis Cass.*

JOSEPH A. WRIGHT.

*No. 53.—Mr. Cass to Mr. Wright.*

SIR,

*Washington, July 8, 1859.*

I AM directed by the President to call your immediate attention to the case of Christian Ernst, a naturalized American citizen, who is said to have been recently forced into the service of the King of Hanover, and to be now performing military duty in his army. According to the representations of his friends, Mr. Ernst is a native of Hanover, but left that country some 8 or 10 years ago, and came to The United States, where he declared his intention to become an American citizen, and where he was legally naturalized on the 24th of February, A.D. 1859. His oath of allegiance to this Government was administered in the Court of Common Pleas for Scioto county, Ohio, and nearly all his relatives reside in that State. They allege that at the time of his departure from Hanover, he was neither in actual service in the Hanoverian army nor had been drafted to serve in it, and that consequently he was under no military obligation to that Kingdom. Under these circumstances, having occasion to visit Germany, he obtained a passport from this department on the 24th of March last, and in the following April he

proceeded to his destination. Soon after his arrival there, he is said to have been arrested by the authorities of Hanover, and called upon to do military service in the Hanoverian army. If the facts stated by his friends are correct, there is reason to believe that a great wrong has been done to an American citizen, which calls for the prompt intervention of this Government.

Inasmuch as in discussing this case with the Government of Hanover the rights of our naturalized citizens may be in question, and you may find it necessary to maintain them, I am instructed by the President to present to you the following views upon this important subject:

The right of expatriation cannot at this day be doubted or denied in The United States. The idea has been repudiated since the origin of our Government, that a man is bound to remain for ever in the country of his birth, and that he has no right to exercise his free will and consult his own happiness by seeking a new home. The most eminent writers on public law recognize the right of expatriation. This can only be contested by those who, in the 19th century, are still devoted to the ancient feudal law and its oppression. The doctrine of perpetual allegiance is a barbarism which has been gradually disappearing from Christendom during the last century.

The Constitution of The United States recognizes the right of expatriation by conferring upon Congress the power "to establish an uniform rule for naturalization." Indeed, it is one of the grievances alleged against the British King, in the Declaration of Independence, that he had "endeavoured to prevent the population of these States, for that purpose obstructing the naturalization of foreigners, refusing to pass others to encourage their migration hither," &c. The Constitution thus clearly recognizes the principle of expatriation in the strongest manner. It would have been inconsistent in itself, and unworthy of the character of the authors of that instrument, to hold out inducements to foreigners to abandon their native land, to renounce their allegiance to their native Government, and to become citizens of the United States, if they had not been convinced of the absolute and unconditional right of expatriation. Congress have uniformly acted upon this principle ever since the commencement of the Government. They established "a uniform rule of naturalization" nearly 70 years ago. There has since been no period in our history when laws for this purpose did not exist, though their provisions have undergone successive changes. The alien, in order to become a citizen, must declare on oath or affirmation that he will support the Constitution of The United States, and at the same time is required to "absolutely and entirely renounce and ab-



allegiance and fidelity to every foreign prince, potentate, State, or sovereignty whatever, and particularly, by name, the prince, potentate, State or sovereignty whereof he was before a citizen."

The exercise of the right of naturalization, and the consequent recognition of the principle of expatriation, are not confined to the Government of The United States. There is not a country in Europe, I believe, at the present moment, where the law does not authorize the naturalization of foreigners in one form or other. Indeed, in some of these countries this law is more liberal than our own towards foreigners.

The question then arises, what rights do our laws confer upon a foreigner by granting him naturalization? I answer: All the rights, privileges, and immunities, which belong to a native-born citizen, in their full extent, with the single qualification that, under the Constitution, "no person, except a natural-born citizen is eligible to the office of President." With this exception, the naturalized citizen, from and after the date of his naturalization, both at home and abroad, is placed upon the very same footing with the native citizen. He is neither in a better nor a worse condition. If a native citizen chooses to take up his residence in a foreign country for the purpose of advancing his fortune, or promoting his happiness, he is, whilst there, bound to obey its municipal laws equally with those who have lived in it all their lives. He goes abroad with his eyes open, and if these laws be arbitrary and unjust, he has chosen to abide by the consequences. If they are administered in an equal spirit towards himself and towards native subjects, this Government have no right to interfere authoritatively in his behalf. To do this, would be to violate the right of an independent nation to legislate within its own territories. If this Government were to undertake such a task, we might soon be involved in trouble with nearly the whole world. To protect our citizens against the application of this principle of universal law, in its full extent, we have Treaties with several nations securing exemption to American citizens, when residing abroad, from some of the onerous duties required from their own subjects. Where no such Treaty exists, and an American citizen has committed a crime, or incurred a penalty for violating any municipal law whatever of the country of his temporary residence, he is just as liable to be tried and punished for his offence as though he had resided in it from the day of his birth. If this has not been done before his departure, and he should voluntarily return under the same jurisdiction, he may be tried and punished for the offence upon principles of universal law. Under such circumstances, no person would think of contending that an intermediate residence in his own country for years would deprive the Government, whose laws he had violated, of the power to enforce



This principle is too well every-  
every. If one of our native  
himself to punishment by the  
of our laws, State or national  
subject of a foreign country,  
contend, upon voluntarily re-  
his naturalization relieved h  
crime. Much less could he  
adopted country to protect l  
United States, or any of the  
for a moment listen to such a

Whilst these principles  
be taken in their application  
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native country is severed for  
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country. He is no more resp  
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him for an offence this mus  
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of such a character that he  
for it at the moment of his

intervening years, and his life had been spared, he would have been bound to perform military service. To submit to such a principle would be to make an odious distinction between our naturalized and native citizens.

In my letter to Mr. Hofer of the 14th ultimo, I confine the foreign jurisdiction in regard to our naturalized citizens to such of them as "were in the army or actually called into it" at the time they left Prussia; that is, to the case of actual desertion or a refusal to enter the army after having been regularly drafted and called into it by the Government to which at the time they owed allegiance. It is presumed that neither of these cases presents any difficulty in point of principle. If a soldier or a sailor were to desert from our army or navy, for which offence he is liable to a severe punishment, and after having become a naturalized subject of another country, should return to The United States, it would be a singular defence for him to make that he was absolved from his crime because after its commission he had become a subject of another Government. It would be still more strange were that Government to interpose in his behalf for any such reason. Again, during the last war with Great Britain, in several of the States—I might mention Pennsylvania in particular—the militiaman who was drafted and called into the service was exposed to a severe penalty if he did not obey the draft and muster himself into the service, or in default thereof procure a substitute. Suppose such an individual, after having incurred this penalty, had gone to a foreign country and become naturalized there, and then returned to Pennsylvania, is it possible to imagine that for this reason the arm of the State authorities would be paralyzed, and that they could not exact the penalty? I state these examples to show more clearly both the extent and the limitation of rightful Hanoverian jurisdiction in such cases. It is impossible to foresee all the varying circumstances which may attend cases as they may arise; but it is believed that the principles laid down may generally be sufficient to guide your conduct.

It is to be deeply regretted that the German Governments evince so much tenacity on this subject. It would be better, far better for them, considering the comparatively small number of their native subjects who return to their dominions after being naturalized in this country, not to attempt to exact military service from them. They will prove to be most reluctant soldiers. If they violate any law of their native country during their visit, they are, of course, amenable like other American citizens. It would be a sad misfortune if, for the sake of an advantage so trifling to such Governments, they should involve themselves in serious difficulties with a country so desirous as we are of maintaining with them the

ment has no desire to interfere with the domestic affairs of Hanover, or of the Kingdom, for any crime which may be committed, and order. It only demands, when its citizens who go there, that they shall be protected in their rights, and conduct themselves according to its laws, and when they are permitted to enter and leave the territory, this protection they are clearly entitled to. The Treaty of November, 1840,\* which is now in force, provides that "there shall be no restriction of Contracting Parties, a reciprocity of rights;" that "the inhabitants of the Contracting Parties mutually have liberty to enter the territories where foreign commerce is admitted to sojourn and reside in order to attend to their business, to submit to the laws, as well as to the jurisdiction of residing and trading." Even if any Treaty between the parties should provide that one should seize a citizen of the other, who is within its territories, and force him to be regarded as not only an alien, but as that citizen, but as inconsistent with the present day. Under the provisions referred to, such an act would be

whether belonging to one or the other of these classes, is entitled to all the benefits of the Treaty, while he obeys the laws. If he fails to comply with this condition, he forfeits the protection which he might otherwise claim, and becomes liable to suffer the penalty of the law which he has broken; but if, without such forfeiture, he is unjustly wronged in his person or his property, he is entitled to full redress for such wrongs, by whomsoever committed. This is the rule which the President expects to be applied in the case of Mr. Ernst, and you will accordingly demand his immediate discharge from his compulsory service, and full reparation for whatever injury he has suffered either in person or property. It is due, also, to the friendly relations which exist between Hanover and The United States that an occurrence like this should be rendered, by such wise provisions as may be found necessary for the purpose, impossible in the future, and that thus the harmony and good understanding which now happily subsist between them may not be disturbed hereafter by any similar cause.

Mr. Ernst is represented to be now serving at Nordheim, in the third regiment of Hanoverian infantry. I inclose the description of his person, which accompanied his application for a passport.

I am, &c.

*J. A. Wright, Esq.*

LEWIS CASS.

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*No. 54.—Mr. Wright to Mr. Cass.*

(Extract.)

*Berlin, August 6, 1859.*

THE Minister of Foreign Affairs has advised me, to-day, that the Prince Regent has granted a full pardon to Francis A. Hoffmann, as contemplated by my despatch. Mr. Hoffmann left this country without performing his military duty, after he was 20 years of age, and settled in Illinois. Since then he has been a member of the Legislature and a candidate for Lieutenant-Governor of the said State. He returned to Prussia, and spent several days, during this year, in Berlin, and in the place of his birth, yet he was not disturbed, and now he receives a full pardon.

It is evident that this Government does not wish to have any difficulty with The United States on the question of military service, and is disposed to yield in individual cases; but it will make great opposition to surrendering the principle involved.

In my opinion, the prompt stand taken by the President in the case of Christian Ernst, upon the principle involved in his case, will triumph. I should be pleased to receive a copy of the unanswerable opinion of the Attorney-General in the case of Christian Ernst.

*Hon. Lewis Cass.*

JOSEPH. A. WRIGHT.

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The details which he the  
the treatment of this case, the  
ention which is dated the 1  
the Chargé's reply.

It is not true, as stated  
that "there are several Ame  
know of none. John Statz's  
the last, and it is believed th

*Hon. Lewis Cass.*

(*Inclosure 1.*)—*Mr. Wright*  
*d'Affaires pro tempore of*  
*Court of Berlin.*

*M. LE BARON,*

HAVING had the honour  
instant, the despatch from  
Christian Ernst, a citizen o  
forced to serve in the army  
and to request that you will  
for full powers to treat this  
by my Government, I have  
to furnish you with a copy  
to beg that you will call the  
ment to its matter. I

*Baron Reitzenstein.*

to submit them to your Government, through you, for their immediate consideration.

I am advised that at the time of the arrest of Christian Ernst, at the town of Peine, in the Kingdom of Hanover, he was rudely deprived of his passport, and of some of 160 rix-thalers, which he had about his person ; also, that he was placed in the common prison ; during and from two to three days each, of the towns of Peine, Hanover, Nordheim, where he was made to eat the food and keep the company of criminals, until he was forced by 4 men to put on the uniform of the Hanoverian infantry. Christian Ernst left Hanover when 19 years of age, before he had ever received an intimation of any duty to serve in its army. He left his native country, having committed no offence against its laws, and without any debts, and sought in The United States a future home—an undoubted right in the 19th century. Therefore, on his return to his native land, Christian Ernst visits Hanover, as an American citizen, and in no other character.

In submitting to you, Monsieur le Baron, a copy of the dispatch from the Government of The United States in reference to Christian Ernst, as well as during the several conversations which we have had on the subject, I have flattered myself with the belief that the Government of his Majesty the King of Hanover would at once see the propriety of complying with the views expressed in said despatch, and with its demand for Ernst's immediate release, since said demands are dictated on the grounds of international comity and of strict justice. Now, I am convinced that your Government will perceive the propriety of an immediate and favourable reply. In demanding the immediate discharge of Ernst, with full reparation for the injuries he has sustained in person and property, I am not only expressing the language of the Government of The United States in the dispatch before you, but the sentiments of the people of every nation which protects its citizens when abroad.

I need not assure you, Monsieur le Baron, that a determination to press into the military service of Hanover American naturalized citizens, under such circumstances as are presented by the case of Christian Ernst, cannot but lead to the most serious difficulties between The United States and the Kingdom of Hanover.

This Legation desires to do all in its power to preserve the kind feelings and respect which so happily exist at present between the said countries.

While obeying my instructions in placing plainly and frankly these facts before the Government of His Majesty the King of Hanover, I take, &c.

*Baron de Reitzenstein.*

JOSEPH A. WRIGHT.

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*Hon. Louis Cass.*

(*Inclosure.*)—

SIR, (Translation)

IN reply to the notes of this month, I have the honor by my Government to conform to your wish, and to prosecute with all possible speed for me to give your Excellency an account of the affair at a very early period, so that you may be sufficiently informed as to the progress of the case. I am, Sir, very truly, Sir, your obedient servant, J. A. Wright, Esq.

*No. 57.*

SIR,

BARON REITZENSTEIN, at the moment advised me of the

No. 58.—*Mr. Wright to Mr. Cass.*

SIR,

*Berlin, August 24, 1859.*

I HAVE the honour to inclose two despatches of Baron Reitzenstein, of the date of the 16th and 20th instant. Knowing the interest the President takes in this case, I have forwarded the original despatch of August the 20th, also an English translation of the same, made out by an excellent scholar.

Expecting additional information as to the arrest and treatment of Mr. Ernst, I shall be able in a few days to make a reply on the subject of satisfaction and compensation, undoubtedly his right, and to the other matters mentioned in said despatch.

I have, &c.

*Hon. Lewis Cass.*

JOSEPH A. WRIGHT.

(*Inclosure 1.*)—*Baron Reitzenstein to Mr. Wright.*

(Translation.)

*Berlin, August 16, 1859.*

HAVING reference to my note of the 11th of this month, I have the honour to inform your Excellency that the Minister for Foreign Affairs of Hanover immediately communicated to his colleague, the Minister of War, the despatches you were pleased to remit to me, with your note relating to the affair of Mr. Christian Ernst.

The Minister of War has now replied, that by these communications alone has he received information of the fact, that Mr. Ernst is enrolled in the royal army of Hanover. The Minister has called for a prompt report from the prefect of Hildesheim on the case in question, but does not believe that he will be able to pass upon the affair until the receipt of this official report.

My Government is further of opinion, that Mr. Ernst should at once have asked protection and defence from the superior authorities of the country in the particular in which he believes his rights are violated, and thinks that in case Mr. Ernst had complained to the Minister at War of Hanover, he would probably have succoured him before his complaint could have reached the Government of the United States of America. Be pleased to accept, &c.

*J. A. Wright, Esq.*

REITZENSTEIN.

(*Inclosure 2.*)—*Baron Reitzenstein to Mr. Wright.*

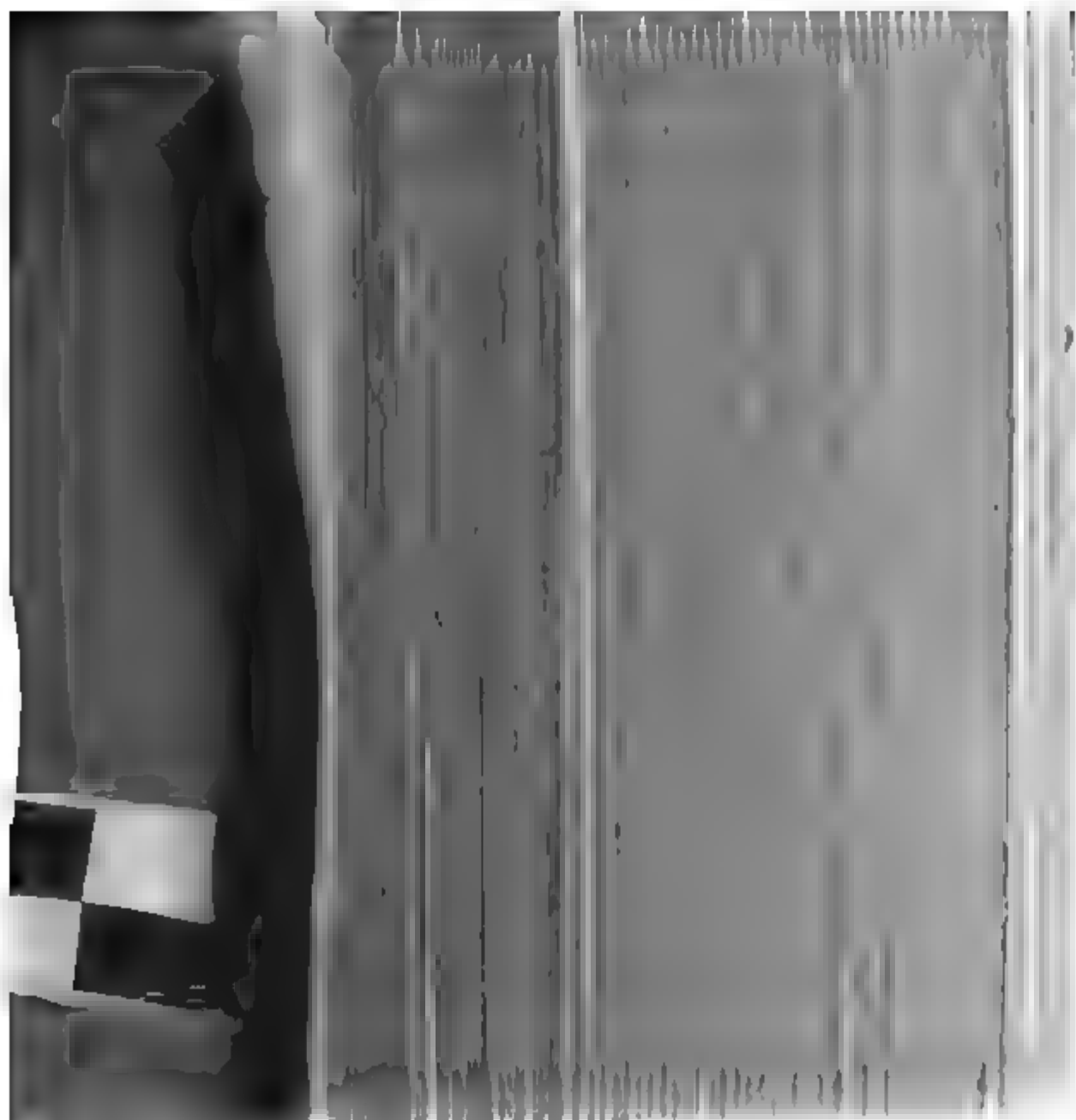
(Translation.)

*Berlin, August 20, 1859.*

THE Undersigned feels great pleasure in being able to make to his Excellency the Minister of The United States, Mr. Wright, the following communication *in re* Christian Ernst, of Portsmouth, which has just reached him from his Government.

John Henry Christian Ernst was born on the 22nd October, 1831, at Handorf, in the district of Peine. He went to The United States about Easter, 1850, leaving his parents behind, and without





rights and obligations for the citizens, the freedom of emigration is subject to certain limitations until said obligations have been fulfilled or dispensed with.

The laws concerning citizenship vary in the different countries, nor can they be expected to be uniform since the peculiarities of every individual State require different considerations according to its internal constitution. Thus it may happen that immigrants into Hanover from a certain State are considered as Hanoverian subjects, according to the Hanoverian law, whilst in their native country they are still legally considered as subjects of that country, and although being citizens of a foreign State, and still liable to fulfil civic obligations in their native country.

The promulgation of laws and regulations respecting naturalization and emigration is undoubtedly the own (or domestic) affair of the respective Governments; and, considering the diversity that exists between the laws on that subject, the intention of putting a foreign law in force in another country without taking notice of the legislation of that same country, must be looked at as an encroachment upon the rights of every individual State.

The principles adopted in Hanover with regard to emigration may be said to be the most liberal of all the States of the German Confederation. They may be resumed in the following few words:

The freedom of emigration (with the exception of crimes, &c., committed, and not yet punished,) is subject to certain restrictions with respect to the male population in consequence of the general military obligations to which every subject is liable. The fulfilment of military duty is not required from sons emigrating with their fathers before they enter the age of conscription (21st year), nor from natural children emigrating with their mother. Those who want to emigrate without their parents, before having fulfilled their military duties, require the permission of a magistrate (a certificate of emigration), which is granted without difficulty up to the year preceding the year when the conscription takes place, and which, even in that very same year is not refused, provided it be shown that the interested party finds a better provision for the future abroad. Said grant is not to be eluded by the simple reason because it serves to distinguish honest emigrants from those who evade their military duties by flight. When within the age of military conscription (from 21st to 27th year), those subjects are alone allowed to emigrate, who, having not yet entered the military service, do not, by their departure, endanger the rights of other parties liable to serve in the army. Even those subjects to whom, under such circumstances, said permission might be refused, may obtain the same, after having procured a substitute, nay, after

be treated as such.

The sentence having been inserted besides been inserted said Ernst could well know expect in the Kingdom of to himself alone the disadvantage for him.

If the Government of naturalize a foreigner before his obligations to his native terms of reciprocity, by a naturalized American citizen could never happen to be at home.

Now, according to the the foreign State of admission returning to their native country time of their emigration terminated. This, however, is a consideration of laws existing in the respective foreign State. A violation of the military law contrary to the Hanoverian law is only committed by having entered the military service. It is not drawn that said Ernst, who

tary duties included, which the interested party has yet to fulfil in his native country, according to its laws, should continue, and that the said State should consequently not try to prevent naturalized American citizens from being required to fulfil those obligations at their voluntary return to their native country.

Consequently, the proceedings of the Hanoverian authorities against said Christian Ernst are quite legal, and the demand of the Government of The United States to liberate said Ernst from the military service might, according to the state of things, be considered as an encroachment upon the internal affairs of the Hanoverian Government, a supposition against which the said despatch itself protests.

Nevertheless, the Royal Hanoverian Government, anxious to show the greatest possible compliance with the wishes of a friendly Power united by so many ties with Hanover, is most ready to come to an agreement with the Government of The United States for the purpose of preventing the frequent complications of a similar nature. Should the Royal Government, as done before, render the liberation from the military service dependent on his finding a substitute, such a course would be equivalent to a refusal to pardon, since the price of substitutes in the present unsettled political state of things has reached such a height as to bring such a sum without the reach of said Ernst. The Royal Hanoverian Government, therefore, does not hesitate to remit at once the penalty incurred by said Ernst, by granting him a full pardon, and to cause him to be dismissed from the military service. The necessary measures have been taken for that purpose.

The recurrence, however, of similar conflicts can only be prevented by the Government of The United States renouncing to its own views on the subject, which do not agree with international relations, or by arriving at a certain agreement, the above representation offering certain openings which it must be left to the initiative of the Government of The United States to make the proper use of.

Finally, concerning the pretended ill-treatment of said Ernst, the explanations required from the various authorities have not yet entirely come in; as far, however, as they go, it appears that all the proceedings against said Ernst have been entirely legal, and that said Ernst has no reason to complain of an unfair treatment.

The Undersigned having the honour to deliver, most respectfully, the present communication to his Excellency the Minister, Mr. Wright, avails, &c.

*J. A. Wright, Esq.*

REITZENSTEIN.

*No. 59.—Mr. Wright to Mr. Cass.*

SIR,

*Berlin, August*

THE promised reply of the Minister of Foreign Affairs of Hanover, on the subject of the treatment, arrest, and release of Mr. Ernst, has not come to hand.

I have written to Mr. Ernst for information, and received his reply.

As the despatch from the Hanoverian Government summarizing Mr. Ernst alludes to the settlement of this vexed question, says the initiative must come from The United States, I respectfully suggest to the consideration of the President the following propositions:—

1. The abandonment of all military service where they have been absent for 5 years from the land of their birth, and become citizens of The United States.

2. The suspension of all judicial proceedings against those residing in The United States for any neglect of military duty.

3. No citizen of The United States to be ordered to leave the country without personal notice and trial in a court of record, and the right of appeal to the highest tribunals of the land.

4. Total exemption of citizens of The United States from military service in Hanover, Prussia, &c., from liability to support in any war soldiers, officers, and those connected with the military service in any country.

I hope by next mail to send the department a copy of this communication to the Hanoverian Minister on the subject of the satisfaction of Mr. Ernst &c.

I have &amp;c

*Hon. Lewis Cass*

JOSEPH A. WRIGHT

*No. 60.—Mr. Cass to Mr. Wright*

SIR,

*Washington, September*

I HAVE the honour to acknowledge the receipt of your communication of August 24, 1859, announcing the discharge of Christian Ernst.

The President has received this intelligence with great satisfaction, and approves the promptitude and energy with which you presented the case for the consideration of the Hanoverian Government. While he appreciates, also, the comity and good will of The United States, which were manifested in the pardon and discharge of Ernst, and are expressed in the communication from Reitzenstein, he regrets that the views of the Government of Hanover on the subject of expatriation are not more in accordance with those of this Government. It is hoped that a further consideration of the subject, it may be led so far as to conform its present opinions as to prevent any future disagreement.

the two Governments in respect to the rights and privileges of American citizens.

In reference to the arrest and treatment of Mr. Ernst, as soon as you shall have transmitted to the department the further information which you anticipate, such additional instructions will be sent to you as the case may seem to require.

I have, &c.

*J. A. Wright, Esq.*

LEWIS CASS.

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*No. 61 — Mr. Cass to Mr. Wright.*

SIR,

*Washington, December 9, 1859.*

YOUR despatch, dated October 12, announcing the closing of your correspondence with the Hanoverian Government has been received at the department, and it affords me pleasure to inform you that your course in this matter is fully approved. And I have to express equal gratification at the manner in which you have urged upon the Prussian Government our views respecting the rights of American citizens, and am confident you will lose no proper opportunity to impress upon it the importance which The United States attach to this matter, and their firm persuasion that the Prussian Government will afford to their citizens, while in Prussia, the protection to which we maintain they are entitled, as well by the law of nations as by Treaty stipulations. In this view of the subject, any additional Treaty with reference to it, seems by no means indispensable, since what we claim for our naturalized citizens is not a concession on the part of Prussia, but only the recognition of their unquestionable rights. The principles we maintain, and the rights which they insure, are clearly laid down in your instructions, and need not be recapitulated. We trust they will be recognized, and faithfully observed by Prussia, and that no case in violation of them will be permitted to arise hereafter within the Prussian territories.

I have not failed to observe the suggestion of the Hanoverian Minister, reported in yours, that in the settlement of this vexed question of military service the initiative must come from The United States; and your own views of what might well be proposed as the basis of negotiation, if this initiative should be undertaken, have also been considered. It is hoped, however, that after the full deliberation which recent events have naturally led the German Powers to bestow on this, it can no longer be regarded as a "vexed question," but that practically, at least, it will cease to disturb in any way our relations with those Powers. As I have already said, the claim which we urge in behalf of our naturalized fellow-citizens, is a claim not of favour but of right, and except for the regulation of details or modes of proceeding it is not perceived that

anything more is necessary than that these citizens when in Germany should be allowed to remain there without hindrance to depart in peace. The question raised in your first proposition as to the length of time they may have been absent from the land of their birth, does not appear to this department to have any bearing upon the status which they are entitled to occupy upon their temporary return. If they are citizens of The United States they are entitled to all the rights of citizens, whether they have been absent 10 years, or 5 years, or one year. And if they thus become citizens of this country, it is difficult to understand why any special exemption should be claimed for them in judicial proceedings, as mentioned in your proposition. No liability of a citizen of The United States before the courts of Hanover cannot depend upon the question whether he is a native or naturalized citizen, but upon the question only whether he has committed any offence against Hanoverian law. Expatriation, as you have been already instructed, is no such offence, and we cannot permit an unreasonable distinction to be made between different classes of our citizens.

Your third and fourth propositions are not necessarily connected with this subject. It is certainly desirable, however, that an American citizen should be ordered out of a German State before the notice and trial to which you refer; and should this be done with a good cause to justify the summary proceeding, it can be regarded as an unfriendly act. Our existing Treaty with Hanover, you are aware, permits the free residence of our citizens there, and grants them free access to the judicial tribunals. It is quite possible that these privileges may be extended with a view to reciprocity, and if so, the opportunity should not be lost. The trial of our citizens in this country is always public and such should be the trial of our citizens in Germany. We should be glad, also, to grant them a right of appeal. Of course we have no disposition to interfere with the domestic affairs of other States, or to disturb them their modes of judicial proceeding. A friendly representation on this subject, cannot be regarded as in any way objectionable, and may avoid unpleasant complications hereafter. If ever one of our citizens is secretly tried and punished, the feeling necessarily creates complaint, and always requires explanation. It is better to avoid the opportunity of complaint by avoiding secrecy which leads to it.

In respect to your fourth proposition for the "total exclusion of the citizens of The United States, residing in Hanover and Prussia, from liability to support in any manner soldiers and those connected with the military service of the country," we do not understand precisely the nature and extent of the

obligations to which you refer; and before instructing you on this subject I shall be glad to hear from you again. Certainly the relinquishment of any tax imposed upon our citizens in Germany would be highly acceptable to this Government; but we do not wish to urge such an exemption to the extent of an interference with the just rights of the German States. We would, of course, ask nothing from other Governments in behalf of our citizens, which we would not be willing, in like cases, to concede to them.

Having thus placed you fully in possession of the views of your Government, I have only to repeat the instruction already given you, to urge them, by all proper means, upon those Governments with whose representatives you may be brought in connection at Berlin. In this way it is hoped that such a friendly understanding may be reached on this whole subject as will make it impossible for any new case to arise, in reference to it, requiring the intervention of this Government.

I am, &c.

*J. A. Wright, Esq.*

LEWIS CASS.

*No. 62.—Mr. Cass to Mr. Wright.*

SIR,

*Washington, December 17, 1859.*

HEREWITH I transmit the copy of a letter of the 18th October, addressed to this department by Isidor Dandson, a resident of California, in relation to the enforced military service now being performed in Prussia by his brother, Simon Dandson, whom he represents to be a citizen of The United States. You will investigate the circumstances connected with this case, and take such measures as, under the instructions already given you by the department respecting similar cases, you shall think proper, should the representations of Mr. Dandson prove to be correct.

I am, &c.

*J. A. Wright, Esq.*

LEWIS CASS.

*No. 63.—Mr. Wright to Mr. Cass.*

(Extract.)

*Berlin, March 7, 1860.*

I HAVE the honour to forward herewith copies of the correspondence with the Minister of Foreign Affairs in the case of Darnston, or Dandson, or Davidson, mentioned in your despatch dated December 19, 1859. It appears that he, Davidson, was discharged from military service long since. His conduct is in keeping with that of a great many other naturalized citizens. It seems that he exhibited no passport, and did not state to any person that he was an American citizen.

*Hon. Lewis Cass.*

JOSEPH A. WRIGHT.



army stationed at Grand  
the Government of The  
Excellency to have this c  
communicate to me the r

Your Excellency will  
*Baron de Schleinitz.*

(*Inclosure 2.*)—

SIR, (Tra

I MADE it my duty,  
January last, to inform t  
Mr. Isidor Darnston, or  
complains that his brot  
to his parents in Prussia  
army.

I send you the res  
demanded upon this sub  
Simon Darntson, or Dar  
in the list of young pe  
1852, under the name  
6th May, 1831, at Strasb  
edly a Prussian by orig  
Councillor of the circle  
available for one year, w  
which, in effect, he place  
1853. Simon Davidson.

ing taken in regard to the said Simon Davidson has been in strict conformity to law. For the rest, this person has never pretended, at any examination he has undergone since his return to Prussia, that he was a citizen of The United States and provided with an American passport.

Accept, &c.

*J. A. Wright, Esq.*

SCHLEINITZ.

*NOTIFICATION of the Hanoverian Government, relative to Commercial Intercourse between Hanover and Russia.—Hanover, May 10, 1861.*

(Translation.)

WHEREAS it has been agreed upon between the Royal Government of Hanover and the Imperial Government of Russia to extend likewise to Russian subjects residing in this Kingdom, as well as to the Hanoverian subjects residing in the Russian Empire, the mutual advantages enjoyed by the French and Russian subjects on the principle of reciprocity, in virtue of Article I of the Russian-French Treaty of Commerce and Navigation (of June  $\frac{2}{11}$ , 1857 \*), annexed herewith, in the original text, and in a German translation.

The aforesaid is hereby brought to the knowledge of all whom it may concern for their information and future guidance.

Hanover, 10th May, 1861.

COUNT v. KIELMANSEGGE.

*DECREE of the Queen of Spain, for the Re-Incorporation of Santo Domingo with the Spanish Dominions.—Aranjuez, May 19, 1861.*

(Translation.)

GENERAL DON PEDRO SANTANA, late President of the Republic of Santo Domingo, forwarded to the Governor and Captain-General of the Island of Cuba, for transmission to Her Majesty the Queen, the letter which is inserted below. Her Majesty the Queen has made herself acquainted with its contents with the liveliest satisfaction.

*Letter referred to.*

“MADAM,

“*Santo Domingo, March 18, 1861.*

“The people who, together with the immortal Columbus, raised the standard of Castille in Hispaniola; who subsequently reconquered their former nationality, and restored to the Crown of Spain the pearl of which it had been deprived by the Treaty of Bâle; who were

pressed, have unanimous  
their Queen and Sovereign  
undeserved honour of be-  
lay at your Majesty's feet

"Accept them, Madam,  
who so well deserve it; I  
do now, and you will accept  
Majesty's most loyal and

Ad

MADAM,

AN event of happy  
seldom witnessed in the  
one of the ancient posses-

The island of Hispa-  
great Columbus, the object  
whose sublime inspiration  
mistress of its independence  
the august name of Spain  
sovereignty which you re-

The victim of treas-  
bonds which united it to  
tion it owed the prosper-

Since then, Madam,  
catastrophes which stifle  
force. had reduced this na-

security is wanting, and where society is condemned to perpetual agitation.

On this account, in the hour of conflict, the Dominican people implored the protection of Spain. The sons of that fertile soil, descended from this heroic nation, animated with its sentiments and its spirit, speaking the same language, worshipping God at the same altars, loved Spain alone, and at her hands alone could they expect and did they wish to receive the peace and prosperity which some had vainly sought from an imaginary and disputed independence.

Spain had not regarded with indifference the lot of the Dominican people. She regretted their misfortunes, and desired to alleviate them, but she was obliged to guard herself against any passionate and unjust accusations.

Spain, freed from her former feuds, the traces of which have been effaced by your Majesty's clemency, and flourishing under the shelter of your Throne and of the institutions by which she is governed, could long ago have acceded to the wishes of the Dominican people, and have established among them, first a Protectorate, and afterwards her authority.

Nevertheless, even at the risk of appearing deaf to the cries of a kindred people, she maintained a constant reserve, and never encouraged their hope of being re-incorporated with the Monarchy.

The misfortunes of the Dominican people, meanwhile, went on increasing, and, menaced daily with new dangers, under the guidance of their own inspiration, the Dominicans proclaimed the august Queen of Spain their Sovereign.

Your Majesty was profoundly affected at hearing the cry of a people who saluted your name with the most intense enthusiasm, while invoking at the same time dear ties (of relationship) and glorious and ineffaceable memories.

Your Majesty, ever generous, would have preferred to take them at once under the shelter of your Throne, but in your exalted mind reasons of State outweighed even the most noble of sentiments.

Your Majesty desired to acquire the absolute certainty that the vote of the Dominican people had been spontaneous, free, and unanimous. The work of a single party could not be acceptable in the eyes of your Majesty. Intrigue and violence are invincibly repugnant to your magnanimous heart.

Spain is great, and has no need of fresh acquisitions to occupy a distinguished position among the first nations of the world. But did she aspire to further aggrandizement she would never endeavour to obtain it by means which morality and sound policy condemn, because nothing solid and durable can be established which does not rest on the basis of right and justice.

The records of the Proclamation of your Majesty in all the

And this, Madam, v  
Domingo a single Spanis  
soldier.

If land and sea forc  
proclaiming your Majes  
afterwards, when Don  
Island of Hispaniola, at  
name.

Any foreign Power w  
should have opposed obs  
of the Dominican people  
which could not, withou  
attacks of foreign ambiti

The flag of Spain w  
the immortal Columbus  
gospel, and with the r  
glorious epoch by any na

Your Majesty's lanc  
flag against every outr  
independence of the De  
territory.

They did not take po  
name. Such an act, ex  
ledge of your Governm  
which they enjoy for di  
though they then confi  
which had been extenue

for the decision of which the voice of honour is to be listened to, rather than the cold counsels of interest or expediency.

To turn our backs on a people in misfortune, to expose them to fall a prey to foreign ambition, to shut our ears to the cry for union which they utter, as they invoke your Majesty's august name, and to ignore the convincing proofs which they have ever given of their unextinguishable affection for Spain, would be to break with the glorious traditions of our history, and to belie our constant and famous nobility of sentiment.

No, Madam, it is not possible to disappoint the wishes of a people who desire to return into the bosom of the mother-country after a long and painful separation. Whatever duties or difficulties the re-incorporation of St. Domingo with the Monarchy may involve, your Majesty, your Government, the whole of Spain will not hesitate to accept them.

In proceeding thus, no right whatever, whether of private persons or of nations, will be injured. Santo Domingo was bound by no obligation, compact, or stipulation of any kind which could fetter her in the free exercise of her independence. The only ties she had retained were those of her original nationality, for which she has preserved an unalterable attachment.

Fortunately there is nothing to change in her social state. Her inhabitants are free. Slavery, which is a necessity in other provinces, is not requisite for the cultivation of that fertile soil, and your Majesty's Government will not re-establish it.

The Dominicans, who are submissive to the voice of authority, will accept with pleasure the administrative organization which your Majesty's Government may consider it expedient to establish for the promotion of their welfare.

All will enjoy equally your Majesty's beneficent protection. Before the throne so gloriously occupied by your Majesty, class interests, the hatreds produced by unhappy discords, the parties which have fomented those discords by their implacable rancour, all disappear, and there remain only the sons of one mother anxious to promote their harmony and happiness. Your Majesty, who is indefatigable in assuring these blessings to your people, and who has contributed so much to their glorious regeneration, will regard Santo Domingo with the same interest and solicitude with which the other provinces of the Monarchy inspire you.

God, who during a period, the memory of which is imperishable, exalted the Monarchy, and who has preserved the purity of its reputation in the midst of long and terrible trials, has permitted it to recover from its past weakness, and to be able to embrace a people who were separated from its bosom in days of perturbation and debility, which will never return.

Founded on these considerations, your Council of Ministers has the honour to submit to your Majesty's sovereign approval the following project of Decree.

Madam, at your Majesty's Royal feet,

LEOPOLDO O'DONNELL.

SATURNINO CALDERON C.

SANTIAGO FERNANDEZ NI

PEDRO SALAVERRIA.

JUAN DE ZAVALA.

JOSE DE POSADA HERRERA

RAFAEL DE BUSTOS Y CAS

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#### ROYAL DECREE.

In consideration of the reasons which have been laid before me by my Council of Ministers, and acceding with the unanimous pleasure to the wishes of the Dominican people, of whose affection and loyalty I have received so many proofs, I hereby decree the following:

Art. I. The territory which constituted the Dominican Republic is re-incorporated with the Monarchy.

II. The Captain-General, Governor of the Island of Santo Domingo, shall prescribe, in conformity with the instructions of my Council, the requisite measures for the carrying out of this Decree.

III. My Government shall give account to the Cortes of the present Decree, and of the measures adopted for its fulfilment.

Given at Aranjuez, the 19th of May, 1861.

(Signed by the

LEOPOLDO O'DONNELL, *President of the Council of Ministers*.)

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Great

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Belgium

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Paragu

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BAVARIA. TREATIES, &c., 1  
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Para

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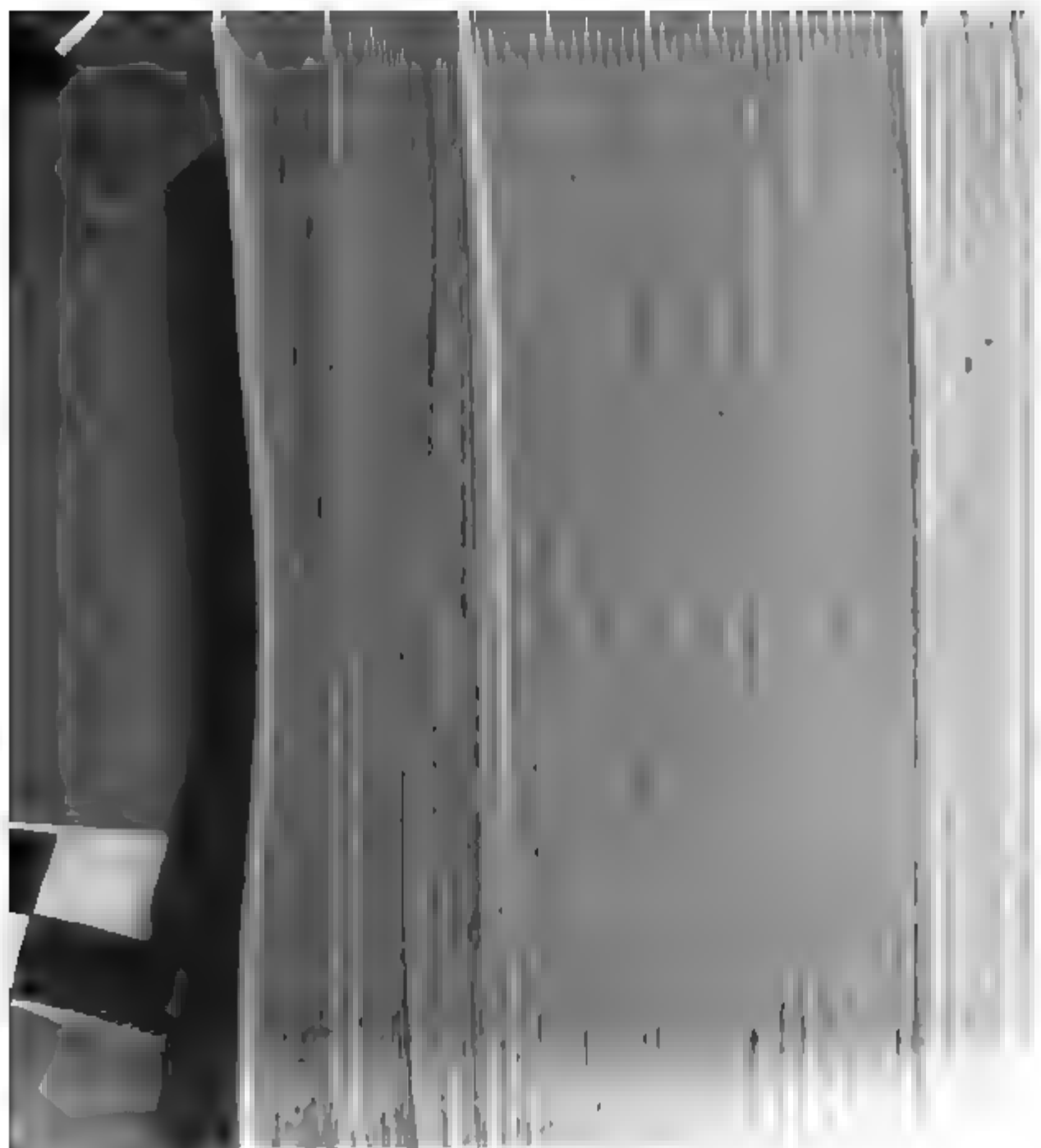
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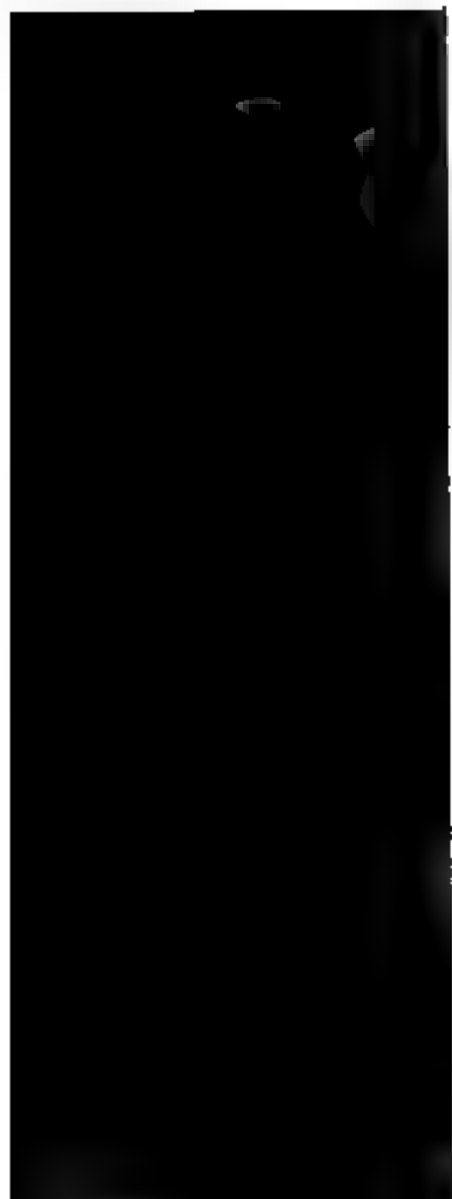
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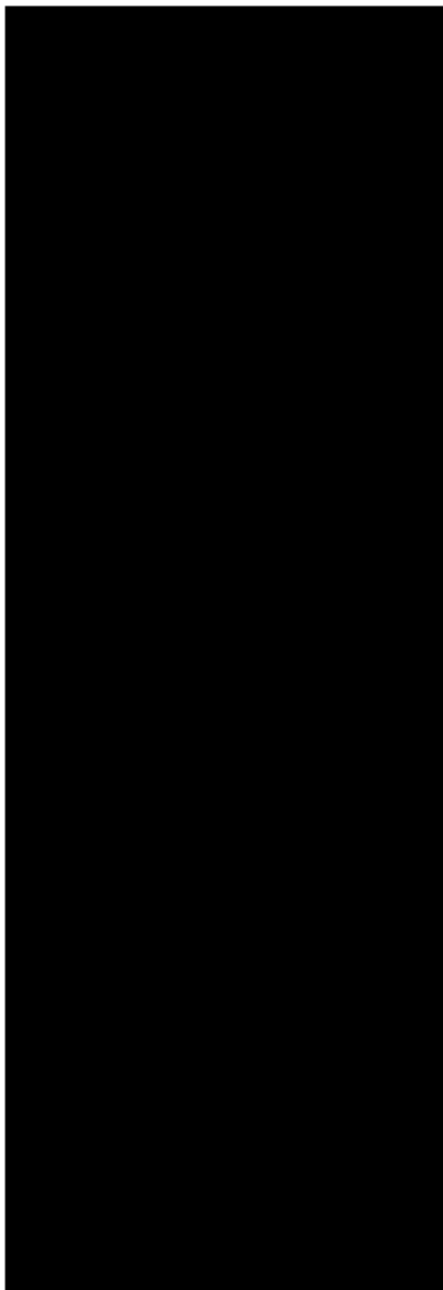
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